



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, FRIDAY, DECEMBER 8, 2006

No. 135

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who alone spreads out the heavens and rules the raging of the sea, as we approach the end of the 109th Congress, our hearts sing in gratitude for Your providential care. While facing mountains and valleys, victories

and defeats, we have been sustained by Your power and love. Through experiences of profit and loss, of success and failure, of health and sickness, of triumph and tragedy, You have worked for our good. Because of Your mercies,

### NOTICE

The Government Printing Office will publish corrections to the *Congressional Record* as a pilot program that has been authorized by the U.S. Senate and House of Representatives. Corrections to the online *Congressional Record* will appear on the page on which the error occurred. The corrections will also be printed after the History of Bills and Resolutions section of the *Congressional Record Index* for print-only viewers of the *Congressional Record*.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman*.

### NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S11551

the weapons formed against us have not prospered.

Thank You for Your favor that rests upon our land, for freedoms that cause our hearts to soar. Thank You for guiding our Senators in their efforts to do Your will. In the days to come, we commit ourselves anew to seek Your guidance and follow Your plan.

We pray in Your all-powerful Name. Amen.

#### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:30 a.m., with the time equally divided between the two leaders or their designees.

#### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

#### SCHEDULE

Mr. BUNNING. Mr. President, this morning the Senate will debate the motion to invoke cloture on the nomination of Kent Jordan to be a U.S. circuit judge. Under the regular order, that cloture vote will occur at 10:30 a.m. this morning. Once cloture has been invoked, we would hope to have a vote on confirmation shortly.

There are many critical legislative and executive items that must be completed before the Senate adjourns sine die, including a continuing resolution, the tax extender package, the U.S.-Indian nuclear agreement, and a number of other items that both sides are attempting to clear for action.

The Senate will remain in session into the weekend, if necessary, in order to finish our work.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CLERK

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent

that if cloture is invoked this morning on the Jordan nomination, there be 2 hours of debate equally divided between the chairman and ranking member and that following that time, the Senate proceed immediately to vote on the confirmation of the nomination with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE PLACED ON THE CALENDAR—S. 4110

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The legislative clerk read as follows:

A bill (S. 4110) to enhance Federal Trade Commission enforcement against illegal spam, spyware and cross-border fraud and deception, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

#### PERMITTING EXPENDITURES FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 6131 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6131) to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6131) was ordered to a third reading, was read the third time, and passed.

#### UNITED STATES TSUNAMI WARNING AND PROTECTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1674 received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1674) to strengthen and authorize the Tsunami Protection, Warning and Mitigation Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1674) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, that completes one round of business we will be doing over the course of the day. We will be coming to the floor to take care of business as it is completed. There is a lot of activity between the House and the Senate, and as we continue to move on these unanimous consent requests we will bring them to the floor over the course of the day.

#### HEALTH CARE POLICY

Mr. FRIST. Mr. President, I wish to briefly comment on health care policy which we have been able to accomplish over the last several years.

As most people know, for 20 years before I entered politics, I devoted my life to healing and to helping people one-on-one through medicine, and now for 12 years in the Senate I have tried to focus on healing and helping people using public policy.

From the outset, I have worked hard to place medicine and health care at the center of our national agenda.

I had a meeting at the White House earlier this morning. I restated how important it is that we address what is a coming tsunami as our aging population incessantly is coming toward us similar to a big tidal wave. It will be here in a few years.

Health care affects our global competitiveness. It affects our \$8.5 trillion debt, our deficit, and our State budgets. It is intensely personal. It affects all of us in a very direct way because we are all sick at one time or another.

I am very proud of the work we have been able to accomplish on the floor in this body on health care policy. Thanks to a new Medicare Part D drug benefit, millions of seniors today are receiving access to drugs they didn't have before—drugs that can prevent heart attack or can prevent a stroke or can prevent various kinds of maladies from which people suffer. People today who have this affordable access to drugs no longer have to worry about having an illness or serious illness hit them and being able to buy those drugs which they need to treat that illness.

In that prescription drug coverage legislation which we passed, all Americans gained better access to health care through what we put in as Health Savings Accounts, accounts that you own, that you can control, that you can take with you.

Over a 5-year period in this body, we had an initiative which was completed to double the NIH budget. That leads

to new cures today and new therapies tomorrow.

I am also particularly proud of this body passing the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act. As my colleagues know, respectively, 3 million people die of the first, 2 million of the second, and 1 million of the third of the disease I mentioned. More than 5 million people die a year. These are three deadly infectious diseases that can be controlled.

We took a major step forward with that \$15 billion commitment. There is a lot more to do to address our health care system today. I am a great advocate of aligning our values and our incentives on results and outcomes. I believe in that vision of a health care system that is centered around a patient, or "the patient," that is provider friendly, that is driven by three things: 21st century information; second, by choice; and third, driven by some element of control. A consumer-driven system is that vision, that model, to which we should all strive.

We need to change the way we think about health care, we need to reign in those frivolous lawsuits. We tried again and again to do so in the Senate the last 4 years and have been unsuccessful. The frivolous lawsuits drive up the cost of your health care, my colleagues' health care, and the cost of health care of everyone in this country.

We also need to address quality of health care to make sure those medical errors are eliminated, those needless medical errors that are made in our health care system today.

I am proud of the contributions Congress has made. We have much more to do.

Mr. President, when I placed my hand on the Bible and took my oath of office on a cold morning in 1995, I did not know many things I know today. But I knew with certainty that medicine would play a major role in my career in the Senate.

I kept the letters M.D. beside my name in my Senate office. I kept a stethoscope on my desk. And I kept my mind on the work of healing—of helping.

For 20 years before I entered politics, I devoted my life to helping people one-on-one. I performed 150 major transplants and, I hope, did a little to advance the science of transplantation. For 12 years in the Senate, I focused on the needs and interests of the people of Tennessee, the nation and, and around the world.

And, throughout it, I have done my best to remember where I came from: medicine. At the onset of my Senate career, I began working to place medicine at the center of our national agenda and promote its role around the world. Health care, after all, affects all of us, at every stage of our lives. I've spent enormous time on health and I hope it has made a difference.

I am proud of the work I have done to improve Medicare and preserve its

promise to America's seniors. Thanks to the new Medicare Part D drug benefit, millions of American seniors will no longer have to worry about how they will pay for their prescriptions. Just as importantly, the new Part D benefit serves as a template for the future of Medicare: it empowers consumers and lets them choose the plan that fits their needs best. Most seniors have more than 20 choices, satisfaction is high, and costs to consumers have been less than we projected. The plan is a success. And we did it without having to impose price controls or caps that would stifle innovation and dry up the supply of new medicines.

The changes we created with the historic Medicare Modernization Act of 2003 do not end with the drug benefit. Medicare has begun to change its focus as well: it includes a first-ever "welcome to Medicare" exam and new coverage for tests that will help us prevent and treat diseases before they become major problems. Under the same legislation, nearly all Americans also gained much broader access to a new type of health coverage—Health Savings Accounts that they own, control, and carry with them from job to job.

I believe my efforts with regard to the National Institutes of Health embody the same forward-looking spirit that led to improvements in Medicare. For years, NIH's budget grew only about as fast as our overall economy even though medicine became an increasingly important economic activity. My medical colleagues told me that necessary research could not always find funding—and the American people made it clear they wanted a stronger federal commitment to medical research.

Over a 5-year period, I helped lead a bipartisan effort to double NIH's budget. And it's paying off. Among other things, NIH research has discovered new triggers for childhood asthma, innovative new ways to prevent diabetes, treatments to reduce mother-to-child HIV/AIDS transmission, new treatments for stroke, and dozens of other innovative medical techniques. Thanks to NIH research, the miracle medicines of tomorrow have begun to arrive more quickly. NIH research has saved thousands of lives.

Our efforts to improve medicine have not stopped at America's shores. Health care can be a currency of peace. It can provide hope. It can give relief. And I'm proud of the way I have worked to improve it around the world.

I am particularly proud of the leadership role I played in the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act of 2003. These three deadly infectious diseases kill over a million people each year in the underdeveloped world. These infectious diseases do the most damage to the world's health. AIDS, the World Health Organization reports, steals more years of healthy life than any other disease. TB and Malaria—although usually not fatal—do enormous

damage to health throughout the underdeveloped world and cost some of the poorest countries billions of dollars. It's vital that we attack them, fight them, and win. And we're making progress. Water has improved, reducing malaria. More and more people in the underdeveloped world are getting antiretrovirals to fight HIV/AIDS. Widespread education on the Abstain/Be Faithful/Use Condom ABC model has proven effective in limiting the spread of AIDS. In my own missionary work in Africa—trips—I've taken every couple years—I have seen what these diseases can do—and the devastation that they can cause. The result: we've slowed the progress of these diseases, and we've saved millions of lives.

We still have much work ahead of us. Enormous numbers of Americans still lack insurance. Through the State Children's Health Insurance Program SCHIP and HSAs we have made it easier for some Americans to get health insurance. But we haven't done enough. Over the next several years, I hope Congress will work to change our health care system so all Americans have affordable, reliable health coverage.

But simply expanding insurance coverage isn't enough. We need to change the way we think about health care so we focus on results and value for patients. Getting there isn't going to be easy. To do it, we need national, interoperable, privacy protected electronic medical records for all Americans who want them. We need to rethink the way we structure medical practices, and we need to do a better job monitoring quality.

We also need to reign in predatory trial lawyers who stand in the way of the doctor-patient relationship by encouraging doctors to care more about avoiding liability and less about providing high quality medical care. Medicare and Medicaid, too, need additional and sustained reforms to ensure our federal programs are in line with ever-changing realities.

American health care still faces enormous problems. We have tremendous work ahead of us. I am proud to have played a role in the health care reforms of the past 12 years, and I will continue to speak, think, and write about the vital importance of health care to our future as a nation. I entered this body as a physician and I will leave as one.

#### REASSIGNING THE HENRY CLAY DESK

Mr. McCONNELL. Mr. President, 6½ years ago the Senate acted to ensure that the desk of Henry Clay would forever stay in the family of Kentucky Senators.

Henry Clay, the greatest statesman that my home State ever produced, served the people as speaker of the Kentucky House of Representatives, Speaker of the U.S. House of Representatives, Secretary of State under

President John Quincy Adams, and of course as one of the greatest Senators to ever walk through the Capitol.

He was also honored to receive his party's nomination for President three times, in 1824, 1832 and 1844.

The essence of legislating in the Senate, as 100 viewpoints are brought together to create one law, is compromise. Henry Clay became known as the Great Compromiser by forging the compromise that would keep his precious Union together.

Clay did not compromise in the sense of forsaking his principles. Rather, his skill was to bring together disparate ideas and forge a consensus among his colleagues. That is a skill we could certainly use more of now.

We recognize his dedication and service to our Nation by displaying his portrait just off the Senate floor as one of history's most outstanding Senators.

In the 106th Congress, the Senate unanimously resolved that the Senate desk once used by Henry Clay would be assigned to the senior Senator from Kentucky, to maintain the Clay legacy.

Only two other desks are so honored. In the 94th Congress, the Senate assigned the desk of Daniel Webster to the senior Senator from New Hampshire. And in the 104th Congress, the Senate assigned the desk of Jefferson Davis to the senior Senator from Mississippi.

Since 1999 I have been honored to use the Clay desk, and would have been honored to do so for the remainder of my Senate career. However, in January I will begin service as the 15th Republican leader.

With the Republican leader's position comes the Republican leader's desk—a desk equally steeped in tradition. First used by Republican Leader Charles McNary of Oregon in 1937, it has been passed to nearly every Republican leader since.

Leaders such as Robert Taft, William Knowland, and Everett Dirksen have sat behind it. So have leaders I have been fortunate to know and work with, men like Howard Baker, Bob Dole, TRENT LOTT and, currently, BILL FRIST.

In fact, Senator LOTT spoke on the floor on behalf of my resolution of 1999, and he also had some very kind words for me that I have not forgotten. I want to thank my good friend, the Senator from Mississippi, for that kindness.

So I was faced with a decision, the same decision that faced Senator Styles Bridges of New Hampshire when he was elected Republican leader in 1952.

At that time, Senator Bridges was using the famed Daniel Webster desk. Rather than give up that desk, he chose to have it moved to the front row of the Chamber, and he became the only Republican leader since Senator McNary to not use the Republican leader's desk. In fact, the Congressional Directory lists the desk as unassigned during 1952.

I can understand Senator Bridges's decision to keep the Webster desk in the family of New Hampshire Senators.

And yet it would be a shame not to follow the custom set by the Republican leaders I have just named, as well. So today, I come to the floor to offer a resolution to keep both of these venerable traditions alive.

This resolution will amend the resolution of 1999 by adding that, if the senior Senator from Kentucky is also a floor leader, then the Henry Clay desk will go to the junior Senator from Kentucky. That way, we can ensure the Bluegrass State will maintain its link to a tradition symbolized by this mahogany desk.

I am sure my colleague and friend Senator BUNNING will honor and keep the legacy of the Henry Clay desk—a legacy I have been proud to help continue. Mr. President, I ask unanimous consent that a list of every Republican leader to have used the Republican leader's desk be printed the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SENATE REPUBLICAN LEADERS WHO  
HAVE USED THE REPUBLICAN LEADER'S DESK

The first Senate Republican Leader to use the Leader's desk was Senator Charles L. McNary of Oregon, who began serving as Leader in 1933 and began using the Leader's desk in 1937. Since 1937, 11 Republican Leaders have been assigned the desk:

Charles L. McNary (Oregon), 1937–1944  
Wallace H. White Jr. (Maine), 1945–1949  
Kenneth S. Wherry (Nebraska), 1949–1951  
(Note: Sen. Wherry died on November 29, 1951. During 1952 the Congressional Directory lists the Republican Leader's desk as unassigned.)  
Robert A. Taft (Ohio), 1953  
William F. Knowland (California), 1953–1959  
Everett M. Dirksen (Illinois), 1959–1969  
Hugh D. Scott Jr. (Pennsylvania), 1969–1977  
Howard H. Baker Jr. (Tennessee), 1977–1985  
Robert J. Dole (Kansas), 1985–1996  
Trent Lott (Mississippi), 1996–2003  
William H. Frist (Tennessee), 2003–2007

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 630 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 630) allowing the senior Senator from Kentucky to reassign the Henry Clay desk when serving as party leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 630) was agreed to, as follows:

S. RES. 630

Resolved, That S. Res. 89 (106th Congress) is amended by—

- (1) inserting “(a)” after “That”; and
- (2) adding at the end the following:  
“(b) If, in any Congress, the senior Senator from the State of Kentucky is serving as

party leader, the desk referred to in subsection (a) may be assigned to the junior Senator from Kentucky upon the request of the senior Senator.”.

Mr. MCCONNELL. Mr. President, I have passed the baton, if you will, of the Henry Clay desk to my colleague from Kentucky, Senator BUNNING, who is also here.

I yield the floor and look forward to hearing his remarks.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, first, I thank my senior colleague—not senior colleague but senior Senator from Kentucky for this wonderful gesture.

Every young student in Kentucky knows the legend of Henry Clay. My wife Mary and our children all learned about Henry Clay in Kentucky schools. Many of my grandchildren in Kentucky have also heard the stories of Henry Clay's time spent as a member of the Kentucky House of Representatives where he became speaker, Speaker of the U.S. House of Representatives, Secretary of State in the United States, and U.S. Senator.

Henry Clay served the people of Kentucky for nearly one-half a century. He also is called and should be called one of the greatest Senators in the history of the Senate for the compromises he brokered during the divisive war years before the Civil War.

Henry Clay's legends remains with all Kentuckians today. His home in Lexington is a revered site in Kentucky. A statue and portrait of Henry Clay stands just off the Senate floor, and the desk of Henry Clay used when he served in this great body remains with us today, as well. As my colleague Senator MCCONNELL said, he has used that desk since it was assigned to the senior Senator from Kentucky.

Senator MCCONNELL is a student of Kentucky history and a student also of the history of the Senate. Like Henry Clay, Senator MCCONNELL has become a respected leader in this Senate. Now with Senator MCCONNELL's new role as the Republican leader in the 110th Congress comes a new desk and with it, its own special history. He has been gracious to introduce and pass a resolution to allow Henry Clay's desk to remain forever in the family of Kentucky Senators.

As the junior Senator from Kentucky, it would be an honor to serve in this Senate with the same desk that Henry Clay once called his own. It is with deep gratitude and thanks to my senior Senator from Kentucky for his work on this resolution that I have cosponsored, and I hope my colleagues are as excited as I am about what has just happened, the fact that my time in the Senate will at least be spent, partially, at the desk of Henry Clay, the great compromiser from Kentucky.

I thank my senior Senator for all the work he has done in his entire Senate career and particularly today on passing Henry Clay's desk on to the junior Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### TRIBUTE TO ALEC GIFFORD

Ms. LANDRIEU. Mr. President, I pay tribute this morning to a great American journalist from New Orleans, LA. Alec Gifford will be formally retiring from WDSU in New Orleans this December after an extraordinarily lengthy, fulfilling, and energetic career covering politics and a whole range of issues over decades, including hurricanes, storms and other disasters. He even hosted, believe it or not, a cooking show.

Alec came from a family of journalists. His father covered Governor Huey Long for the Times-Picayune, and his grandfather published one of the first local French language newspapers. So his family tradition has deep roots in Louisiana and in New Orleans. After serving in the U.S. Navy, Alec came to WDSU in 1955. He introduced the people of Louisiana to a very young Senator at the time, John F. Kennedy, as he sought to become—and ultimately did—the President of the United States. Just as we have spent many hours on this floor in recent months and years discussing the share of royalties that Louisiana should get from energy production off of our coast—and I believed I was the first on the story—I was corrected by my staff that Alec Gifford was one of the first on the story four decades ago.

He asked Senator Kennedy his position on how these royalties would be handled when he came in to campaign for the Presidency back then. And he also pressed him on the Nation's path toward an equal education for all of our children during that extraordinary historic interview.

Louisiana later gave all of its electoral votes to Senator Kennedy, who became our 35th President. We then, of course, passed major legislation for equal opportunity, and today or tomorrow we will be passing a historic piece of legislation on royalty sharing after all these many years.

Alec was a journalist who always knew the important stories and managed to explain them to the people at home in a way they could grasp and understand the impact on their daily, everyday lives, and their future.

But Alec really made a name for himself in 1965, demonstrating his dedication to the story when Hurricane Betsy struck Louisiana. While every other station had lost their ability to broadcast back in 1965—the city and region were basically dark and shut down, and the winds were howling, and the waters were almost as high as during Katrina—Alec stood in the path of the hurricane and brought images of the storm into every home that could receive a television signal.

Forty years later, he was there again for us with Hurricanes Katrina and Rita. He evacuated himself to Jackson,

MS, but stayed on the story, as many brave journalists did. But Alec has been doing this for so long. His accomplishments throughout this were singular. Working his way—scratching, crawling his way—back to New Orleans, like many of our journalists did, he continued to stay on the story.

The hurricanes could not stop him. The flooding could not stop him. And in a few simple sentences, Alec Gifford illustrated the magnitude of the impact that Hurricanes Katrina and Rita have had on Louisiana, when he said:

This is nothing like Betsy. . . . Betsy was a horrible storm. Betsy was a walk in the park. I cannot believe how Katrina and Rita have turned our world upside down and backward. Isn't it amazing how everything changes?

But Alec has not changed at all over these decades. He has stayed resolute, committed to his craft, energetic, and absolutely consistent in his work ethic. He is almost 80 years young, and he has never slowed down. His colleague, Travers Mackel, can attest to that. He said:

I'm 31 years old, and I have a tough time keeping up with him. He's the first one in to work [in the morning] and the last one out the door.

His news director, Anzio Williams, said: "I don't ever want to hear anybody complain," he says to his staff, "about being overworked and overstressed. This guy, [referring to Alec], outworks everybody."

But after a half a century on the air, at WDSU, WVUE, and for NBC News, Alec has decided to retire. He has certainly left his mark on the news in New Orleans, hiring the next generation of WDSU in anchor Norm Robinson and reporter Richard Angelico—who both have done an outstanding job for our community—but he will now be able to spend more time with the people he cares about most, his wife Delores, his five children, and his eight grandchildren.

He is truly part of the soul of our city, and a shining example of the best in his craft—a reporter to the core, a man willing to stay on the job, no matter what, to tell the story, to tell it right, to tell it clearly. Alec Gifford may be leaving the studio, but he is not leaving our hearts and our memories. I for one would not be surprised to see him on television again. I am sure he will come back in a different capacity, in a different way, but this Senator would like to say how much I have personally appreciated his service to our community and wanted to pay tribute to Alec Gifford today on the eve of his retirement from WDSU.

#### HONORING SENATORIAL SERVICE

Ms. LANDRIEU. Mr. President, I have a few more minutes before the 10:30 vote, and I take this time to say a few words about some of my colleagues who are retiring. We had a good bit of time yesterday devoted to their tremendous contributions, and as

each of us, the 100 of us, do know each other pretty well, I have come to the floor to say a few things about several of the colleagues I have had the distinct pleasure of working with very closely.

BILL FRIST

Mr. President, one is, of course, Senator BILL FRIST, our retiring majority leader. I had the wonderful opportunity to be invited to travel with Senator FRIST. I guess you could say it was clearly an opportunity. It was not necessarily a pleasurable trip in the sense that the first trip I took with him was to tour the devastation of the tsunami. Soon after he assumed the role of leader, the tsunami hit the Indian coastline. It was one of the largest disasters in the recent history of the world.

I had a chance to go to that region with Senator FRIST. I actually saw him firsthand don his doctor's coat and take off, if you will, his hat as Senator and put on his coat as doctor and operate. I agreed to go on that trip with him under one condition, that I myself would not have to go with him into the operating rooms. So I stayed outside and talked with people while he went in and actually did the hard work of saving people's lives and bringing them back to health.

But what I will most remember about that trip—and there were about six of us on it—is that he was the first one awake in the morning, the last one to go to bed at night, constantly working until the point where those of us said we are unlikely to ever travel with him again because we could not get any rest through the entire week and were so exhausted when we got back. We said: If he calls again to ask us to travel, tell him I am doing something else. I am kidding, of course. But I say that with the greatest admiration for a man who has an extraordinary work ethic. And through so many ups and downs, literally, of these helicopters and trips, I remember him staying so steady and so calm, even when we saw some of the most horrific sights you can imagine.

But he has led this Chamber and brought his own style of leadership and his own gifts that God has given him to this Chamber. I am a Senator who truly admires that particular aspect of his service and wanted to put that into the RECORD in a small way this morning.

JIM JEFFORDS

Mr. President, I also want to remember for a minute the good work of Senator JEFFORDS. Senator JEFFORDS tends to be one of the quiet Members of the Senate. Some of us talk a lot more than others. He does not do much talking, but he sure gets a lot done. I will never forget, and the people of Louisiana are so grateful to Senator JEFFORDS, as he chaired the EPW Committee, for being one of the first Senators in this Chamber to recognize the extraordinary loss of our wetlands and what it would mean to south Louisiana and the Gulf of Mexico. And ultimately, of course, we saw the tragedy

unfold before our eyes. Had we listened to Senator JEFFORDS, and the other few voices who were calling out years ago, perhaps some of that loss of life and billions of dollars of loss of property could have been averted.

Senator JEFFORDS came down to Louisiana on several occasions. One I will never forget is standing with him in this very southern part of the State in Lafourche Parish, literally almost into the gulf waters, we were so far down south. I was explaining to him—and this is far out from New Orleans. You have to try a little hard to get there. You fly into the big airport, and then you have to go by either bus or helicopter, and it is difficult. And, of course, Senator JEFFORDS' health has not been great lately. But he was a real trooper, and he said: No, Mary. I want to go, and I want to see it.

So we flew him way down to the wetlands, and he and I were standing there, and I was explaining to him how his work in the Senate was affecting the lives of my constituents down in the bayou and was saying: Senator, almost once a week or so some fishing vessel or shrimp trawler runs into this bridge. And when the bridge shuts down, we literally not only keep schoolchildren from getting to school and parents from getting to their children, but we literally shut down the whole offshore oil and gas industry or a big part of it, because when a bridge shuts down, none of the trucks can move, no supplies can get out to the rigs. Don't you think this country, which spends trillions of dollars every year, can spend a few million dollars to fix this bridge?

The words had not gotten out of my mouth when a shrimp trawler hit the bridge, and the bridge moved slightly. The big wings of the shrimp trawler collapsed, and Senator JEFFORDS looked at me and said: Now, Mary, you have gotten way too dramatic on this point. You did not have to set that stage for that boat to hit that bridge. He said: I get the message. So we, of course, had a laugh about that.

But his sense of humor, his commitment, and his passion for the environment and the people who live on the land, the people who live in this natural environment, is what has always made me a real fan of his. I want him to know I am going to miss him and his staff who have also been extremely kind to me and my staff in the Senate.

MIKE DEWINE

Mr. President, I wish to speak about Senator DEWINE, my distinguished colleague from Ohio, and a good friend, and a man whom I have worked very closely with in our capacity as appropriators. Also, we share a passion for the child welfare system in this Nation, trying to improve it—of course, promoting adoption, the notion that there is no such thing as unwanted children, just unfound families.

I could not but come to the floor and say that MIKE DEWINE is literally one of the most compassionate men I have

ever known. That compassion is obvious to anyone who works closely with him day in and day out. It is not fake. It is very real. And the spiritual depths of which he and his wife Fran and their children live their faith—not just talk about it, not just use it as a shield to protect them, but as a way to serve others—is quite extraordinary.

This Senator has seen that in him and his work, side by side with him. I want my other colleagues to know that if it were not for Senator MIKE DEWINE, the District of Columbia would not have their family court, the country would not have the stable families legislation he and Senator ROCKEFELLER pushed through this Chamber at a time when not that many people understood the consequence of a foster care system in disrepair and what happens to children when they get stuck in a system that does not appreciate their dignity or respect their right to a family.

Senator DEWINE, a family man himself, most certainly understands that and pushed that legislation through, and dozens of other pieces of legislation that I had the privilege to help him with, and to assist him with, and to watch him lead on. So I am certainly going to miss his leadership. But I will commit to him my focus on Haiti. I will never be able to fill the shoes he has laid out with the work he has done, but several of us intend to continue his work with Haiti, the poorest nation on the Earth, and continue his great passion, as much as we can, in our time here in the Senate.

LINCOLN CHAFEE

Mr. President, Senator LINCOLN CHAFEE of Rhode Island has been an independent voice for his State and the issues he believes in, regardless of partisan consideration. He will be missed by all of us.

CONRAD BURNS

Mr. President, Senator CONRAD BURNS has represented his State of Montana for three terms. He has been a stalwart on behalf of his constituents and his philosophy of government. We thank him for his public service.

GEORGE ALLEN

Mr. President, finally, I want to recognize the Senator from Virginia, GEORGE ALLEN, for his service as Senator and as Governor of his State. We have worked together on a range of issues on the Energy and Small Business Committees as well as on the historic antilynching bill.

To all of our retiring Members, I say thank you. Thank you for your efforts on behalf of my State when you were needed and thank you for your service to America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### NOMINATION OF KENT A. JORDAN

Mr. SPECTER. Mr. President, we are due to vote in 2 minutes on the cloture

motion to cut off debate so we can proceed to a vote on the nomination of Kent A. Jordan to serve on the U.S. Court of Appeals for the Third Circuit. Kent Jordan now is Judge Jordan on the U.S. District Court for the District of Delaware. He has an outstanding academic and professional record. He graduated cum laude from the Georgetown Law Center.

Judge Jordan was nominated to serve on the U.S. Court of Appeals for the Third Circuit on June 28, 2006. A hearing was held for his nomination on September 6, 2006. His nomination reported out of the Judiciary Committee with a favorable recommendation on September 26, 2006.

In 1981, Judge Jordan received his BA from Brigham Young University, where he graduated with high honors. In 1984, he received his JD from the Georgetown Law Center, where he graduated cum laude.

Following law school Judge Jordan served as a law clerk to the Honorable James L. Latchum, U.S. District Judge for the District of Delaware. After his clerkship, he entered private practice as an associate at Potter Anderson & Corroon. From 1987 to 1992, he served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Delaware, where he became the office's lead attorney on civil matters and served as lead and cocounsel on a variety of criminal matters.

He then joined Morris James Hitchens & Williams as an associate in 1992, becoming a partner in 1994. While at the firm he handled intellectual property, corporate, and commercial litigation.

From 1998 to 2002, he served as vice-president and general counsel for the Corporation Service Company in Wilmington, DE.

In 2002, he was nominated and confirmed as a district judge for the District of Delaware, where he still sits.

Judge Jordan is also a scholar who teaches as an adjunct professor at three law schools: the University of Pennsylvania, Vanderbilt, and Widener. Judge Jordan has spoken and published articles on intellectual property, civil procedure, advocacy, and professional responsibility. He has also contributed chapters to several legal titles, including two manuals used in the Third Circuit: "Federal Appellate Procedure" and "Federal Civil Procedure Before Trial."

Judge Jordan has received a unanimous "well qualified" rating from the American Bar Association.

Mr. President, I ask unanimous consent that his resume and a full statement of his accomplishments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENT A. JORDAN, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

Birth:

Oct. 24, 1957, West Point, New York

Legal Residence:

Delaware

## Education:

B.A., Brigham Young University, with high honors, 1981

J.D., Georgetown Law Center, cum laude, 1984

## Employment:

Law Clerk, James L. Latchum, U.S. District Court for the District of Delaware, 1984–1985

Associate, Potter Anderson & Corroon, 1985–1987

Assistant United States Attorney, U.S. Attorney's Office for the District of Delaware, 1987–1992

Associate, Morris James Hitchens & Williams, 1992–1993; Partner, 1994–1997

Vice-President and General Counsel, Corporation Service Company, 1998–2002

United States District Judge, District of Delaware, 2002–present

## Selected Activities:

Member of the Board of Directors, Community Legal Aid Society, Inc., 1994–1997

Member, Delaware State Bar Association, 1984–present

Member, District of Columbia Bar Association, 1996–present

Member, American Bar Association, 1984 to early 1990s

Member, Federalist Society, 1995–1997

Adjunct professor at: Widener University School of Law, 1995–1996; 2006–present; Vanderbilt University School of Law, 2003–present; University of Pennsylvania Law School, 2005–present.

Judge Kent Jordan, of the United States District Court for the District of Delaware, was nominated to serve on the United States Court of Appeals for the Third Circuit on June 28, 2006. A hearing was held for his nomination on September 6, 2006. His nomination reported out of the Judiciary Committee with a favorable recommendation on September 26, 2006.

In 1981, Judge Jordan received his B.A. from Brigham Young University, where he graduated with high honors. In 1984, he received his J.D. from the Georgetown Law Center, where he graduated cum laude. Following law school Judge Jordan served as a law clerk to the Honorable James L. Latchum, U.S. District Judge for the District of Delaware. After his clerkship, he entered private practice as an associate at Potter Anderson & Corroon. From 1987 to 1992, he served as an Assistant United States Attorney in the U.S. Attorney's Office for the District of Delaware, where he became the office's lead attorney on civil matters and served as lead and co-counsel on a variety of criminal matters.

He then joined Morris James Hitchens & Williams as an associate in 1992, becoming a partner in 1994. While at the firm he handled intellectual property, corporate, and commercial litigation. From 1998 to 2002, he served as vice-president and general counsel for the Corporation Service Company in Wilmington, DE. In 2002, he was nominated and confirmed as a District Judge for the District of Delaware.

Judge Jordan is also a scholar who teaches as an adjunct professor at three law schools: the University of Pennsylvania, Vanderbilt University, and Widener University. Judge Jordan has spoken and published articles on intellectual property, civil procedure, advocacy, and professional responsibility. He has also contributed chapters to several legal titles, including two manuals used in the Third Circuit: Federal Appellate Procedure and Federal Civil Procedure Before Trial.

Judge Jordan has received a unanimous "Well Qualified" rating from the American Bar Association. He enjoys the strong support of both Delaware Senators.

Mr. SPECTER. Mr. President, in the 30 seconds remaining, I urge my colleagues to proceed to vote on the nomination of Judge Jordan and also on the pending nominations of some 13 district court judges, all of whom have been reported out favorably by the Judiciary Committee. Regrettably, the Senate does not focus as much attention on these judgeships as I think it should. The distinguished Presiding Officer has a judge on the docket from the State of Georgia. And with the enormous business pressures we have—on Iraq and on taxes and on appropriations—there is too little attention on judges. When a judge is not present on the Third Circuit, and currently there are four vacancies on that circuit, they have a judicial emergency situation. Their docket is clogged and people have to wait a long time to have their cases heard.

Similarly, if there is not a judge sitting in Georgia or in Ohio, where Senator DEWINE and Senator VOINOVICH want a nominee confirmed, people are prejudiced and disadvantaged. And from the Western District of Michigan, a Congressman was over yesterday, urging Senators to move ahead on the three pending nominations in that district. I ask that every step be taken at every level of the Senate to confirm these judges.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

### NOMINATION OF KENT A. JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to executive session for a vote on the motion to invoke cloture on the nomination of Kent Jordan, which the clerk will report.

The assistant legislative clerk read the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

Bill Frist, Robert Bennett, Arlen Specter, Tom Coburn, Kit Bond, George Allen, Lindsey Graham, Trent Lott,

Mel Martinez, Gordon Smith, Sam Brownback, Rick Santorum, Richard Burr, Hillary Clinton, Johnny Isakson, Jim DeMint.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 924, the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mr. TALENT), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The yeas and nays resulted—yeas 93, nays 0, as follows:

[Rollcall Vote No. 275 Ex.]

#### YEAS—93

Akaka	Dole	Martinez
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hutchison	Rockefeller
Byrd	Inhofe	Salazar
Cantwell	Inouye	Santorum
Carper	Isakson	Sarbanes
Chafee	Jeffords	Schumer
Chambliss	Johnson	Sessions
Clinton	Kennedy	Shelby
Coburn	Kerry	Smith
Cochran	Kohl	Snowe
Coleman	Kyl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Stevens
Cornyn	Leahy	Sununu
Craig	Levin	Thomas
Crapo	Lieberman	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Wyden

#### NOT VOTING—7

Biden	Hatch	Warner
Dodd	McCain	
Graham	Talent	

The PRESIDING OFFICER. On this vote, the yeas are 93, nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

There are 2 hours of debate equally divided.

The Senator from Vermont.

Mr. GREGG. Mr. President, parliamentary inquiry: Will the Senator yield for a question?

Mr. LEAHY. Without losing my right to the floor, yes.



Mr. GREGG. I was wondering if the Senator will allow us to set up a sequence of speakers after the Senator speaks.

Mr. LEAHY. I will do anything to accommodate my neighbor from New Hampshire, as he knows.

Mr. GREGG. I ask unanimous consent that at the conclusion of the statement of the Senator from Vermont, the Senator from North Dakota be recognized for 5 minutes and then that I be recognized for 15 minutes. Does the Senator from Ohio seek recognition, also?

Mr. DEWINE. I do, but not on this topic.

Mr. GREGG. It doesn't matter. Then the Senator from Ohio be recognized after I complete my remarks.

Mr. LEAHY. Mr. President, if the Senator would amend that to add the Senator from Delaware. The judge is from Delaware. I ask that Senator CARPER be recognized for up to 10 minutes following that.

Mr. GREGG. At the conclusion of the remarks of the Senator from Ohio.

Mr. LEAHY. Yes.

The PRESIDING OFFICER. Following the Senator from Vermont, the Senator from North Dakota be recognized for 5 minutes, then the Senator from New Hampshire for 15 minutes, then the Senator from Ohio for 15 minutes, and the Senator from Delaware for 10 minutes. Is there objection?

Mr. LEAHY. I have no objection.

Mr. GREGG. I thank the Senator from Vermont for his courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am pleased the Senate finally has an opportunity to consider the nomination of Kent Jordan of Delaware for a lifetime appointment to the U.S. Court of Appeals for the Third Circuit. Judge Jordan is a well-qualified nominee with the support of both home State Democratic Senators, as well as that of the chairman of the Judiciary Committee, whose State is within the Third Circuit. I support this nomination, and I will vote to confirm him.

I regret that the Republican leadership chose to eschew bipartisan discussion of nominations and unilaterally filed an unnecessary cloture vote on Judge Jordan's nomination, especially after we worked so hard to expedite it in September. We could very easily have voted on this in September instead of having this folderol of urgency now. Most of us wanted to vote on this weeks ago, and I am not sure what political last gasp is involved in saying we have to have cloture. That was never necessary.

I wish, instead, the leadership had followed the customary practice in the Senate of the Republican and Democratic leaders to have sat down with the chairman and ranking member of the Judiciary Committee and worked out a process to conclude the consideration of judicial nominations for this session. Had they done so, we could

have capitalized on the hard work done by the chairman and the Judiciary Democrats to report consensus nominations. Instead—and I mention this to those from States such as Georgia and elsewhere—this is the only judicial nomination the Republican leadership has scheduled for consideration in months.

I mention this for my colleagues who might be from States that have some of these judicial nominees—apparently those from those States do not particularly care. I mention it in case anybody is reading the RECORD later on. I was going to suggest a way to get some of them, but there does not seem to be an interest in it, so I will not.

What they have left unexplained is why they refuse to go forward with the President's nomination of Judge Janet Neff from Michigan. The Federal court serving the Western District of Michigan has three Federal trial court vacancies that are judicial emergency vacancies three in one district. The Senators from Michigan have worked with the White House on the President's nomination of three nominees to fill these emergency vacancies. The Judiciary Committee has proceeded unanimously on all three.

Working with Chairman SPECTER, the Democratic members of the committee cooperated to expedite their consideration.

On September 16 we held a confirmation hearing for those three nominees on an expedited basis. Regrettably, the President waited until July to make these nominations. Had he acted sooner, as some of us suggested earlier this year, we would not be in this situation. From the beginning I have urged the President to work with us on consensus nominations, and I have worked hard to proceed. I continue to do so even at this late date in the session, in spite of the pocket filibusters employed by Republicans to stall and block more than 60 of President Clinton's qualified judicial nominees.

Democrats cooperated to expedite consideration of a number of matters and reported the three judicial nominees to fill the emergency vacancies in the Western District of Michigan on September 29. Regrettably the White House, Republican leadership, and objections by Republican Senators continued to undermine this process. Instead of focusing on consensus nominees, the President sent back to the Senate in September and, again, following the November election, highly controversial nominees who had been returned to the White House in the hope that the President would work with us on a bipartisan basis.

We have been accommodating, and we will continue to be. I urge all Democrats to vote for confirmation of Judge Jordan, as I will. But neither the Judiciary Committee nor the Senate should be a rubberstamp for this President or any President. We should be taking our constitutional responsibility to advise and consent seriously. These are the

only lifetime appointments in the Federal Government, and they will have an enormous impact on the lives, the rights, and future of Americans.

We were accommodating when Judge Jordan was pending before the Judiciary Committee. I knew this nomination was from Chairman SPECTER's circuit, and I cooperated with his request for a special executive business meeting. We came to the meeting and made sure we had a quorum, even though the meeting was out of the normal course.

The chairman said that the meeting would be held to expedite consideration of noncontroversial nominees. I agreed to let the majority meet to hold over the nomination of Judge Jordan in order to expedite its consideration at our next meeting. In order to be more accommodating, I went further and continued to meet so that nominees of interest to Senator GRASSLEY and Senator DEWINE could be moved forward in the process as well.

The Democratic Senators on the Judiciary Committee and our staffs worked especially hard as time ran down in this Congress to be accommodating on judicial nominations. The chairman held four nomination hearings in September. Three of these hearings were for four nominees, an extraordinary number in one hearing, and the fourth was an unprecedented hearing for two nominees who had received "not qualified" ratings from the American Bar Association. This was a faster pace than is traditional for the committee so late in the session, particularly in an election year. It was a much faster pace than is ideal for careful consideration of lifetime appointments to the Nation's courts. But we nonetheless cleared nominees at this pace to be accommodating and to keep the nominations moving forward.

Sadly, rather than meet to work out a process to conclude the consideration of judicial nominations for this session, the Republican leadership has apparently made the unilateral decision to stall certain of these nominations, including those for the judicial emergencies in the Western District of Michigan, and particularly the President's nomination of Judge Janet Neff.

This fall, an editorial in the Richmond Times-Dispatch entitled "No Vacancies," highlighted the administration's counterproductive approach to judicial nominations. The editorial criticized the administration before the November elections and before the President renominated those controversial choices, for failing to turn vacancies into judges and instead pursuing political fights. According to the Richmond Times-Dispatch:

The president erred by renominating . . . [Haynes] and may be squandering his opportunity to fill numerous other vacancies with judges of right reason.

The Richmond Times-Dispatch focused on the renomination of William James Haynes II to the Fourth Circuit. Of course Mr. Haynes has yet to fulfill the pledge he made to me under oath



at his hearing to supply the materials he discussed in his opening statement regarding his role in developing the legal justifications and policies having to do with torture, detention and other matters.

The Richmond Times-Dispatch editorial could just as easily have been written about Judge Terrence Boyle, whom the President also renominated again to a seat on the Fourth Circuit. He did so despite the fact that as a sitting U.S. district judge and while a circuit court nominee, the President's nominee, Judge Boyle, ruled on multiple cases involving corporations in which he held investments. The President should have heeded the call of the North Carolina Police Benevolent Association or the North Carolina Troopers Association or the Police Benevolent Associations themselves from South Carolina and Virginia or the National Association of Police Organizations or the Professional Firefighters and Paramedics of North Carolina, as well as the advice of our former colleague, Senator John Edwards, to withdraw this ill-advised nomination and not renominate him. Law enforcement officers from North Carolina and across the country oppose the nomination. Civil rights groups oppose the nomination. Those knowledgeable and respectful of judicial ethics oppose this nomination. This nomination has been pending on the floor calendar in a Republican-controlled Senate for more than a year after being forced out of the committee on a solid party-line vote. The Senate actually did the President a favor by returning this nomination to the White House before the summer recess and again before the election. Republican Senators tell me they don't want to vote on this nomination, but the White House keeps sending it back up.

The President also squandered an opportunity to fill Idaho's vacancy in the Ninth Circuit by renominating William Gerry Myers III for that seat again in September and again after the November elections. This is another administration insider and lobbyist whose record has raised very serious questions about his ability to be a fair and impartial judge. I opposed this nomination when it was before the Judiciary Committee in March 2005. Actually, this was a nomination which the so-called Gang of 14 expressly listed as someone for whom they made no commitment to vote for cloture, and with good reason.

Mr. Myers' record as Solicitor General for the Department of the Interior suggests that he was part of a culture of corruption documented in the testimony of the Interior Department's inspector general, Earl Devaney, at a hearing of the House Government Reform Subcommittee on Energy. Listen to what the Inspector General in the Bush administration says about this Bush nominee. Mr. Devaney testified about a "culture of managerial irresponsibility and lack of accountability" at the upper levels of the Interior Department in which, "[s]imply

stated, short of a crime, anything goes at the highest levels of the Department of the Interior." He also testified, "I have observed one instance after another when the good work of my office has been disregarded by the Department. Ethics failures on the part of senior Department officials—taking the form of the appearances of impropriety, favoritism and bias—have been routinely dismissed with a promise 'not to do it again.'" Apparently, reading this record, it was done again and again.

While Mr. Myers' anti-environmental record is reason enough to oppose his confirmation, his connection to the "culture of managerial irresponsibility and lack of accountability" raises further concerns. But these are the kinds of judges who keep getting sent back to the White House when even a Republican-controlled Senate won't bring them up for a vote. You would think somebody at the White House would be listening when they say: We are trying to send you a signal. Don't keep sending them back.

In particular, questions remain about his role in authorizing a lawyer who worked for him, Bob Comer, to arrange a sweetheart settlement agreement for a politically well-connected rancher, Frank Robbins. Mr. Comer was found, in an investigation by the Department of the Interior's inspector general, to have been responsible for arranging the deal. Documents have come to light recently showing that Mr. Myers had been given materials about the deal, which certainly undermine his assertions made under oath that he was merely misled by Mr. Comer. If anyone sought to proceed to this nomination, then we would want to know a lot more about these new documents, and we would need to explore any connections to the lobbying scandals associated with the Interior Department and Republican lobbyist Jack Abramoff. Recent reports in the Denver Post raise additional questions about the thoroughness of what Mr. Myers told us since the report that Mr. Myers and Mr. Abramoff attended at least one party together has gone unrefuted and unexplained.

So it is particularly troubling to see Mr. Myers be nominated because the President squandered yet another opportunity to fill a vacancy. I had suggested he renominate Norman Randy Smith, a Republican nominee, for the vacancy created by the retirement of Judge Thomas Nelson from Idaho. Instead, the President has again nominated Judge Smith, but not to this seat. He has nominated him to a California seat of the Ninth Circuit, effectively stealing California's seat. That is wrong. I support the California Senators in their opposition to this. I had urged President Bush to resolve this impasse and turn Idaho's vacancy into a judge by withdrawing the controversial and tainted Myers nomination—tainted Myers nomination—and instead nominate Judge Smith for the Idaho vacancy to which he could be easily confirmed. Alternatively, he could

have renominated them both but merely switched the vacancies for which they were nominated, thereby allowing the Smith nomination an opportunity to proceed.

In addition, the President has renominated, again, Michael Wallace to the vacant seat on the Fifth Circuit even though he received the first ABA rating of unanimously "not qualified" that I have seen for a circuit court nominee in a quarter of a century, from Republican and Democratic administrations. That in itself should have been enough of an embarrassment not to send the name back, especially when a Republican-controlled Senate did not bring it forth. Committee proceedings on this nomination detailed the significant concern raised by numerous jurists around the country regarding Mr. Wallace's judicial temperament, his lack of commitment to equal justice to the poor and minorities, his lack of tolerance, and his close-mindedness. It detailed concerns from judges and lawyers that Mr. Wallace may not follow the law and is driven by his "personal agenda."

Of course, the troubling issues raised in the ABA's testimony echo significant concerns about Mr. Wallace's record on civil rights, his opposition to the Voting Rights Act, his support for tax exemptions for Bob Jones University, his opposition to prison safety regulations, and his attempt, as President Reagan's director of the board of the Legal Services Corporation, to undermine efforts to provide legal services to low-income clients. Don't they understand that even a rubberstamp Republican Senate which has gone along with just about everything this Bush administration has done had something in mind when they sent this nomination back to the White House? Instead, the White House sent it back.

Months ago—months—ago before the last recess, I was urging Senate action on nominees such as the Michigan District Court nominees and Judge Jordan, whom we have before us now. What little progress we might have made has been undone by some on the Republican side. I have been here 32 years. I have never seen anything with either Republican leadership or Democratic leadership with a judge like this who could have been easily passed—Democrats and Republicans supported him—months ago, and here we are stalled because nobody can figure out what to do the last few days of a session. Suddenly, it is like, My God, we have to have a cloture vote on him. We could have had 30 hours of debate afterwards, which I said let's not do, and we have a unanimous consent agreement that we would not. But to have gotten to a cloture vote on somebody who would have passed on a bed check vote months ago—well, if this is theater, it is theater of the absurd. If this is theater, it would close after opening night on Broadway or anywhere else.

This goes beyond a farce. And it is particularly ironic that after months of Republicans repeating a new mantra that every one of the President's nominees, whether qualified or not, whether engaged in conflicts of interest or not, whether found by their own peers to be not qualified or not, whether they are supported by home State senators or not, is entitled to a swift up-or-down vote, after we heard this over and over—guess what—it was Republican objections that stalled more than a dozen judicial nominees.

After the last working session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's own judicial nominees. This is theater of the absurd. You had Republicans on the campaign trail saying: Oh, my, God, those Democrats are holding up President Bush's poor nominees for these highly paid lifetime appointments. They are holding them up. And guess what happened. All these nominees of President Bush, we said: Fine, let's just pass them. We were told: Oh, can't do it. Can't do it because we have Republicans who put holds on them. Talk about having it both ways. Republicans hold up the judges so they can go on the campaign trail and say: Oh these terrible Democrats. They are holding up our judges. Oh, my heart cries for them.

In fact, according to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination even though he raised no objection to the nomination when she was unanimously reported out of the Judiciary Committee. Later, without going through the committee, Senator BROWNBACK sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

So where is the consultation about this with the leaders of the committee? Where is the cooperation? Where is the working together? Where is the attempt to be uniters and not dividers? Where is the wonderful statement by the President, after he got shellacked in the last election, saying: We are going to work together. Where is the explanation why the Republican leadership has chosen not to proceed with the Neff nomination to a judicial emergency vacancy? Can it really be that her attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications are to be ignored and that her nomination is to be pocket-filibustered by Republicans like the 60 they pocket-filibustered of President Clinton's? Oh, goodness gracious.

The Republican approach to nominations, of using nominations to score political points rather than filling vacancies and administering justice, has led to a dire situation in the Western Dis-

trict of Michigan. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district where several judges on senior status—one is over 90 years old—continue to carry heavy caseloads to ensure justice is administered in that district. In fact, Judge Bell is the only active judge. If it had not been for Republicans blocking President Bush's nominations, those vacancies would be filled.

Of course, this is not the first time Republicans objected to an up-or-down vote on judicial nominees. They objected and stopped up-or-down votes on more than 60 of President Clinton's judicial nominees. Last year, the President's nomination of Harriet Miers to a vacancy on the Supreme Court was stalled and withdrawn, not because a single Democrat in this body objected but because Republicans objected. Republicans questioned her qualifications, demanded answers about her work in the White House and her legal philosophy and, although Democrats said go ahead and give her a hearing, they then defeated her nomination without allowing a hearing.

With regard to judicial nominations, I do want to acknowledge the kind words of the majority leader, who noted before the October recess that we made "tremendous progress" in confirming qualified judicial nominees. By Senator FRIST's count, the Senate "has confirmed 88 percent of President Bush's judicial nominees, giving him the highest confirmation rate since President Reagan." He calculates that "95 percent of all judgeships are filled, including more than 92 percent of all circuit court judgeships and more than 95 percent of all district court judgeships." He notes that the Senate has confirmed "[n]early 160 nominees" for judgeships under the 46 months of his leadership—160 in just 46 months. He leaves out the fact that 100 of the President's judicial nominees were confirmed during 17 months when the Democrats were in charge. Senator Daschle was leader, I was chairman of the committee, and ironically—I guess it is something that got overlooked because it doesn't fit in the campaign slogans—President Bush's judges moved much faster under Democratic leadership than they have under Republican leadership.

Likewise, Chairman SPECTER acknowledged before the recess that Democrats on the Judiciary Committee in the Senate have been extremely accommodating. I hope he doesn't get in trouble for that because his statements sharply diverged from the vitriolic attack the Republican National Committee made on me, personally. It went way beyond campaign rhetoric to flatout lies.

This year we have confirmed 31 judicial nominees so far. That far surpasses the total number of judges confirmed in the 1996 Congressional session, when Republicans controlled the Senate and pocket filibustered President Clinton's

nominees. In that session, Republicans would not confirm a single appellate court judge—not one—and moved forward on only 17 district court judges all session. That was the only session of the Senate I can remember, in my 32 years, in which the Senate simply refused to consider appellate court nominations. That was part of their pocket filibuster strategy to stall and maintain vacancies so that a Republican President could pack the courts and tilt them decidedly to the right. In confirming eight circuit court judges so far this year, we have already confirmed more circuit judges than in 1996, 1997, 1999, and 2000.

We could have accomplished a lot more this year if the White House had sent over consensus nominations earlier in the year. Regrettably the administration concentrated on a few highly controversial nominees and delayed until recently sending other nominations and thereby prevented us from having the time to do any meaningful review. As I said before, we could have done the Jordan nomination before us now back in September instead of having this high drama.

If I were at all cynical—and we Vermonters are not, by nature—I would almost think this vote had been set up to distract the people from the fact that the Senate and House leadership have failed to figure out a way to get us out of this morass, after they failed to follow the law and pass a budget this year. They broke the law, didn't follow it, to pass a budget this year, even though they control both bodies of the Congress. Then they failed to pass our appropriations bills by the end of September, even though they are required to do so. Could it be that this nomination, this high drama of something that is going to pass unanimously, was brought up so maybe the press would be fooled into thinking that this was so important it might distract them from the fiasco from the fiscal train wreck they have got us into?

Even though this Republican controlled Congress has sent back a few of the most controversial nominations, the administration keeps sending them back. By contrast, there are six judicial emergencies still that have no nominee at all. Nor has President Bush fulfilled his solemn pledge to make a nomination for every vacancy within 180 days. Of the vacancies currently without a nominee, seven have been vacant for more than 180 days. An additional 14 of the pending nominees were nominated only after their vacancies had occurred for more than 180 days.

I want to note, again, so nobody will think that we even had to be taking the time here now: I support the confirmation of Judge Jordan. I helped expedite his consideration by the committee so we could vote on him nearly 3 months ago, in September. But we didn't in September. Of course, we didn't in October. We didn't in November. Here we are in December. But even

with his confirmation, only 32 judicial nominees will have been confirmed in the last 12 months. Contrast that to the 17 months when Democrats were in charge of this body and I was chairman when we confirmed 100 judges. In the last two years of Republican control, with a Republican President and Republican Senate, we confirmed half of that, just 53 nominees. Think how much higher it could have been with some cooperation.

We have been accommodating, and we will continue to be, as we vote for confirmation of Judge Jordan today. But neither the Judiciary Committee nor the Senate should be a rubberstamp for the President. In case anybody is wondering, the Senate Judiciary Committee will not be a rubberstamp for this President or any President. Our success in this process depends on the White House sending consensus nominees, as opposed to the highly controversial nominees it sent the Senate repeatedly. I was encouraged by President Bush's pledge after the election to work with Congress in a bipartisan and cooperative way. But I was disappointed barely a week later when he broke that pledge and renominated a slate of his most controversial nominees who had failed to win confirmation, even under a Republican-controlled Senate. If they could not win confirmation when the Republicans were in control, my guess—I can't speak for other Senators—but my guess, with a Democratic chairman and Democratic-controlled Senate, they probably will not win confirmation there either. If they weren't good enough for the Republicans, they probably won't be good enough for the Democrats.

I am hopeful we can find a better approach in the 110th Congress. It starts with the President. If the President would consult with us and work with us to send consensus picks instead of failed controversial nominations for important lifetime appointments, we can make good progress filling vacancies.

We owe it to the American people. The American people do not want nominations to be about partisan politics but about Government responsibility to provide justice. The American people expect the Federal courts to be fair forums, where justice is dispensed without favor to anybody based on their political philosophy.

These are the only lifetime appointments in our entire Government. They matter a great deal to our future. Most of them will serve long after most of us in the Senate have left office; certainly after the President who nominates them has left office. I said over and over again, the Federal judiciary should not be an arm of the Democratic Party nor the Republican Party. Otherwise we lose all faith in the independence of the judiciary. Just as I have opposed those who call for the impeachment of judges when they disagree with a particular opinion or give

speeches seemingly condoning violence against judges and their families, I, also, do not want to see a Federal judiciary politicized. I will continue, in the 110th Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent and able to provide justice to all Americans.

I congratulate Judge Jordan and his family because I know he will be confirmed today.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

HONORING SENATORIAL SERVICE

PAUL SARBANES

Mr. CONRAD. Mr. President, I rise today to pay tribute to one of the Senate's finest Members, Senator PAUL SARBANES, who is retiring after 30 years of service in this Chamber. Senator SARBANES has served this Senate, his State, and our country with dignity, wit, and uncommon wisdom. He is simply one of the smartest, most principled people I have ever known. He is, quite simply, a class act.

PAUL SARBANES has focused his energies on governance and effective legislating. This thoughtful approach has served him well, served his State well, and served this Chamber well. PAUL SARBANES never lost an election, and he is the longest serving Senator in the history of the State of Maryland.

In the Senate, PAUL SARBANES served with great distinction as chairman and ranking member of the Banking and Joint Economic Committees and has long provided wise counsel on the Foreign Relations Committee.

At the Banking Committee, he has been relentless in protecting consumers from unscrupulous financial acts. When the country was hit by scandals in the Enron and WorldCom cases, PAUL SARBANES acted to protect against further abuse and the Sarbanes-Oxley Act is the result. That is an act that has stopped further abuse.

PAUL SARBANES also fought for affordable housing, for adequate public transportation, for transparency at the Federal Reserve. In debating former Fed Chairmen and the current one, he has never let central bankers forget that they must pursue a dual mandate, with jobs for Americans on an equal footing with fighting inflation.

It has been my honor and my privilege to serve with Senator SARBANES on the Budget Committee. Few can match his understanding of economics and the interaction between the budget and the economy. His insightful and tenacious questioning, his even temper, and his humor have made being his colleague on the Budget Committee both rewarding and a pleasure.

My favorite story about PAUL SARBANES is from his youth. PAUL SARBANES was an outstanding athlete. He was a great baseball player and a great basketball player. In fact, he was so good in baseball that he was chosen as a Maryland All Star. He was chosen to

play shortstop on that team. When he showed up for the first practice, the manager directed him to second base. PAUL SARBANES was a little surprised by that because he had been chosen to play shortstop. But he went out and played second base. He thought there might be some mistake. The next day, he came to the next practice and was again directed by the manager to play second base. At this point, Senator SARBANES thought he should go to the manager and inquire why—since he had been chosen to play shortstop—he was playing second base. The manager looked him in the eye and said, “Sarbanes, Kaline will be playing shortstop.” Of course, the Kaline was Al Kaline, who became a Hall of Fame baseball player.

That is some measure of the extraordinary athletic talent that PAUL SARBANES had. It was not his athletic talent that so distinguished him in this body; it was his remarkable academic talent, his remarkable ability to deal with others.

I think in my time in the Senate I have never dealt with a person of greater wisdom than PAUL SARBANES.

I wish Senator SARBANES the very best in his retirement and whatever endeavors he will pursue. His wife, too, has become a special favorite to our family—so bright, so talented, and such a good partner with PAUL SARBANES. I know they are deeply proud that their son has been elected to the Congress of the United States to represent a district in Maryland.

PAUL SARBANES has been a great colleague and a very dear friend to me. I will miss him and his service on the Budget Committee and in the Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

Mr. GREGG. I thank the Chair.

EXTENDERS

Mr. GREGG. Mr. President, I rise to discuss what is the last pending major piece of business relative to this Congress and is headed toward the Senate from the House, something called the extenders bill.

To put this in the proper context, there are a number of tax initiatives which are going to lapse this year and need to be extended—things such as the R&D tax credit, such as the deduction which teachers can take when they buy materials for their classrooms. Teachers—especially elementary teachers—seem to do a lot of that. They deserve that recognition; also, things such as tuition tax credit. These are all extenders which should occur. Were they to occur in the proper order, they might cost as much as \$12 billion. However, the bill that is headed toward us doesn't cost \$12 billion; it is going to cost \$39.5 billion. At least that is what we think it is going to cost. We haven't had it finally scored. But that is what we believe is a reasonable number to put on that.

That will be added to the deficit. It will be at least \$17 billion over what is

known as pay-go, which is a mechanism that disciplines tax cuts. It doesn't discipline spending, regrettably. I hope we can restructure it, and then I might be a supporter of it. But it is \$17 billion over what is known as the pay-go baseline. This represents \$39 billion of funding which will be added to the debt. That is incredible as the last act of Congress. It will actually be, arguably—depending on how you define the Part D premium exercise, which added trillions of dollars in the outyear debt—either the largest or the second largest budget buster passed by this Congress, \$39 billion. It has in it a large amount of items which have nothing to do with extending taxes and has a lot to do with personal interests of various special interest groups around this country who have the capacity to get things put in bills.

Probably the most significant one is conversion of a program called the Abandoned Mine Land Program which basically will create a new \$4 billion cost to the American taxpayer to pay for health insurance of mine workers and former mine workers which should have been paid for by the coal companies. In other words, it is a direct transfer of payment from the corporate coal companies' obligations to support the health care of these miners to the American taxpayer. And it is a directed program, a mandatory program, not a discretionary program. So it basically cannot be reviewed or adjusted in the outyears.

It is probably one of the most egregious things we will do in this Congress in the area of abandoning fiscal discipline and raiding the taxpayers' pocketbooks for the benefit of a small group of people and corporations.

It, also, includes something called the doctors' fix. It is appropriate that we correct the amount of money that doctors are reimbursed for under the Medicare Act. There is a 5-percent doctor reimbursement. It is not fair to doctors to be asked to bear the burden of the expansion of Medicare costs, and it should be corrected.

But the understanding always was—at least I thought it was—I guess I am naive—that it was going to be paid for with real dollars. That wasn't exactly what was said here. There are some real dollars being used, but there are real dollars that do not have anything to do with the issue. They are taking something called the stabilization fund and applying it to doctors. That pays for some of it. That arguably is real dollars which should be used in this event, but as a matter of policy, you can't fight it from a budget standpoint. It is real dollars and bad policy.

But there is another group of dollars being used that does not even exist and is being claimed as part of the payment. They are going to correct a hole in next year's doctors' fix which will double next year's fix; take that money that doesn't exist and claim they are taking that money to pay off the doctors' fix this year. It is an accounting

gimmick of extraordinary brazenness, which if you did it in the corporate world, you would go to jail. There wouldn't be any question about it. There would be a clear-cut jail sentence tied to this one if this were a corporate gimmick used by a corporation and put on the shareholders or the investors in your company as something that was appropriate. It is an outrage of the first order on the American taxpayer and our children, because who pays for this? Our children pay for it. That is what happens.

The bill is laden with earmarks, where this group or that group or that one—the District of Columbia gets \$150 million, the State of Tennessee gets \$35 million, and the State of Nevada gets \$4 million. I don't know how this one got in here: The Music Writers of America are going to get \$3 million. The music writers will get \$3 million from the taxpayers and put on the debt. By our standards around here, it wouldn't even make an asterisk. But it is what this represents that is so outrageous.

The rum excise revenue sharing with Puerto Rico, \$184 million; special depreciation for ethanol plants.

I don't think there has ever been a financial bill which has come through this body that didn't have something for ethanol. Ethanol is a great idea. I am for it now. I used to be suspect about it. But it is such a vertical, integrated subsidy. Why do we have to keep throwing subsidy after subsidy into it? In fact, not happy enough with that little exercise, they also had to extend the tariff on ethanol that comes into the country from international producers so that the Northeast, which can't get the ethanol from the Midwest because it can't be shipped through the pipelines because ethanol can't be shipped through the pipelines because it bonds with water and the pipelines will not work—the Northeast, which can only get it shipped efficiently and cost effectively, say, from Brazil and have it shipped in by boat, has to pay a huge tariff on that—54 cents a gallon, which makes it economically unfeasible, even though it is an alternative fuel source that should be used throughout our country. And granted, we would like to have it produced in America, but I would rather be buying ethanol from Brazil than oil from some of our friends in the Middle East, such as Iran. Yet this makes it virtually impossible to do that. It is good policy, I say with great irony and sarcasm. Of course, it has nothing to do with tax extenders.

Then there are serious policy implications. For example, it extends the sales tax deduction, which is a policy of essentially saying to high-tax States: You should increase your taxes on your people at the expense of the Federal Treasury. The sales tax deduction is nothing more than a revenue sharing for the Federal Government, where the Federal government says to a State: We will give you a deduction

for increasing your taxes and the Federal taxes will then go up for everybody else to pay for that deduction. There are a lot of States that don't have a sales tax. There is no reason they should be penalized in this way. There is no reason people in New Hampshire should have to pay sales tax to subsidize a high sales tax in the States of New York or Texas or California. It doesn't make any sense, from a policy standpoint.

This is not distributed in a very equitable way. The only people who can take advantage of this are the itemizers. Itemizers, by definition, usually earn more than \$60,000, at about the breaking point where you start to itemize your tax deductions. Basically, low-income people who pay a sales tax will see their sales taxes go up because States will want to raise them in order to claim their deduction, and low-income people will now have to pay more in sales tax and not be able to deduct it; whereas, high-income people in those States deduct it. It doesn't make any sense policywise or from a tax standpoint. It is just one important effort by one group of States that want to get this deduction put in place to take advantage of a bill coming through here.

The bill, as I said, is arguably the biggest budget buster ever brought forward by the Republican Congress. That is ironic in and of itself, isn't it? That is pretty ironic.

The way it is being brought forward is interesting. It is being brought forward in a manner which will make it extraordinarily difficult. This is being done by the Republican leadership for the Republican membership in a way that makes it extraordinarily difficult for anyone to attack the bill at any point and raise any of the issues which I just raised. In other words, if I wanted to address this deduction of \$35 million for Tennessee or if I wanted to address the music writers item, I will not be able to do that. That option is not going to be allowed to me on a traditional vote nor on a motion to strike. I probably would lose those motions, but that is not going to be available to knock those earmarks out.

If I wanted to raise the policy arguments on the doctors' fix, the fact that you have this unbelievable accounting mechanism used to pay for it, I am not going to be able to do that as Budget chairman. That will be denied. The Republican leadership is denying Republican membership the capacity to address these serious fiscal issues in this bill, including the fact it is \$39 billion added to the Federal debt. It is going to be brought over in a manner which I have never seen happen before, probably because it is the biggest budget buster in the history of our country passed by the Republican Congress. They do not want to have anybody highlighting it but are sending it over as a message from the House—not as a bill but as a message from the House, which dramatically limits the ability

to attack it or raise issues by it. "Tax" maybe is the wrong term. Then they are going to fill the tree so no amendments can be made. Then they are going to have the final vote with motions to concur with the House message. It is obvious they have the votes to do this. This bill has so much in it for so many different little folks and issues around here that they have racked up the vote count to the point where they can accomplish it. Well over 60 votes would be for this bill. The votes are there. They can do it. That is the way the majority works.

But we have to ask this question. The American people took the reins of government away from the Republican Party, the Republican Congress, in this last election. They did so in large part because they were tired of our hypocrisy as a party on the issue of fiscal responsibility. It would appear their concerns are justified. It is true that our colleagues on the other side of the aisle will probably be worse at fiscal management than we are. We have shown it to be in our nature to spend money. If you add up all the things they talk about in their campaigns, they will spend a lot, but at least they will not be hypocritical, going to the American people and saying: We are the party of fiscal responsibility.

We have to ask how we as a party got to this point where we have a leadership which is going to ram down the throats of our party the biggest budget buster in the history of the Congress under Republican leadership.

Anyway, the American people figured it out. I am sorry we haven't figured it out yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 15 minutes.

#### HONORING OUR ARMED FORCES

FIRST SERGEANT CHARLES M. KING

Mr. DEWINE. Mr. President, I rise today to pay tribute to a dedicated and decorated Ohio soldier, Army 1SG Charles Monroe King from Cleveland. 1SG King was killed in Iraq by a roadside bomb on October 14, 2006, during a convoy mission to send supplies to Baghdad. He was 48 years old at the time of his death.

1SG King's last mission captures the essential character and selflessness of this man. A 19-year veteran of the Army, Charles was the senior officer on a resupply mission near Baghdad. According to others, Charles did not have to accompany the convoy, but, true to form, Charles went to offer his experience to the younger soldiers on the mission.

His friend and fellow soldier, Captain Jon Schaeffer, said this about what happened:

He did not have to go on that resupply mission, but Sergeant King loved his soldiers. He would not let them do anything that he would not do, so he was right there with them.

His heartbroken fiancée, Dana Canedy, added:

He said he could not, in good faith, send his soldiers on a mission unless he did it himself. He made sure that each one of his soldiers took leave before he would take his leave.

That selflessness—that willingness to always put his men first—is a measure of Charles' leadership and courage. That Saturday in October, America lost a true hero.

A career soldier, Charles was scheduled to return home last month. He was a member of a unit from Fort Hood, TX, that was deployed to Iraq last November. As a veteran of the first Gulf War and one of the Army's very best soldiers, Charles was highly decorated. His numerous awards include the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, and the Army Valorous Unit Award. This list of awards, impressive as it is, tells only part of the story of this remarkable man.

As his sister Gail said, "My brother was very humble about his military experience and all the things he had accomplished." Charles was born and raised in the Cleveland neighborhood of Lee-Glades, where his parents Charlie and Gladys still live.

Friends and family remember Charles as a soft-spoken, helpful little boy, who could be counted on to do more than his share of the work.

His former church Pastor, Vern Miller, recalled the day he asked for volunteers to build a three-foot concrete block wall for a needy neighbor. Charles was only a child, but he already had that natural impulse to help and to serve. Pastor Miller said that "Chuckie was the first to arrive. He was ready to work. Of course, he was too little to carry the heavy blocks, but he brought the workers water all day." In that giving little boy, we can see clearly the loving man he would become.

Charles was also a person with wide-ranging interests and passions. He was especially interested in art. When Charles was about 13, his mother enrolled him and his sister in an art class at a nearby community college. Gail said that, while she "failed miserably," Charles fell in love with art.

Upon finishing high school, Charles attended the heralded Art Institute of Chicago. Upon graduation in 1983, he worked as a fashion ad illustrator in Alabama. Known as a hard worker with a meticulous eye for detail, Charles created illustrations for advertisements, as well as for news stories.

His artistic talent continued to play a significant role in Charles' life long after he traded in a civilian career in art for a life of military service. While serving in the military, Charles became fascinated with the history of the 761st Tank Battalion, an African American unit that served in World War II. Ultimately Charles was so inspired that he drew a collection of illustra-

tions of the unit in battle. His collection was put on display at the Pentagon in 1998, as part of the Black History Month celebration. More of his work is now on exhibit at military museums at Fort Lewis, WA, and Fort Knox, TN.

Charles King could have lived comfortably as a professional artist, but his strong sense of duty led him to enlist in the Army. "My brother was very much into service and serving others, and that was the driving force [for joining the military]," Gail said.

Charles joined the Army in 1987 and married shortly after. He soon became a dad, when daughter Christina was born. She was the light of her father's life.

While in the military, Charles served honorably in Iraq from 1990 to 1991, as part of Operation Desert Storm. Later, he was able to continue his education, attending Cuyahoga Community College and receiving an associates degree from Chamberlain Junior College in Boston.

Charles was remembered by his fellow soldiers as the consummate professional. Captain Schaeffer remembers how the normally soft spoken and gentle man was also a very capable leader, able to guide his troops in times of chaos. He said that "we all learned one thing: When Sergeant King yelled, you moved. He only yelled when there was good reason."

Before his last deployment to Iraq, Charles became engaged to Dana Canedy, a Pulitzer-prize winning journalist who worked for the Cleveland Plain Dealer and now serves as an editor at the New York Times. While Charles was in Iraq this last year, Dana gave birth to their son, Jordan. Charles was ecstatic.

During a 2 week leave in September, he got to see his 6 month-old son for what would, tragically, be the first and the last time. He could hardly put his baby boy down.

Although it was terribly difficult to be separated from his family, Charles came up with a unique and heartwarming way to communicate to his infant son Jordan. Miles away, Charles began keeping a journal addressed to Jordan. The journal, which reached 200 pages, was a collection of everything from short stories from his childhood to excerpts of his time as an artist. Mostly though, the journal laid out detailed guidelines and fatherly advice about what Jordan would need to know growing up.

Dana said this about that journal:

It was therapy for [Charles]. He wanted his son to know everything he could tell him. Everything from his favorite Bible verses, why he wanted to have a baby, why he wanted to be a soldier, and how to treat women.

Leafing through the pages, there are instructions for everything from how to deal with disappointment to letting his son know it was OK for boys to cry. As Dana said, "Charles was this big, muscular guy, but he was like a big pussycat." Charles ended his journal to

his young son, saying, "I will do my best to make you and your mother proud."

Indeed, Charles King made everyone who had the privilege to know him very proud.

News of Charles' death was devastating to his family, friends, and community. Since his death, phone calls have poured in to his family's home. "God is just continuing to work miracles in our lives," said Gail.

In a funeral service held in Cleveland at Lee Heights Community Church on October 23, friends eulogized Charles. They told stories about him that prompted a sea of smiles and nods from the friends and family packed into the tiny church, whose walls were covered with Charles' paintings.

Those in attendance remembered the boy who had grown up to be such an accomplished man. They remembered the brave soldier, the talented artist, and the loving son, brother, father, and friend. They remembered an American hero.

My wife Fran and I continue to keep all of Charles' family—his parents Gladys and Charlie, his sister Gail, his fiancée Dana, his son Jordan, and his daughter Christina—in our thoughts and in our prayers.

#### LANCE CORPORAL THOMAS KEELING

Mr. President, I rise today to pay tribute to Marine LCpl Thomas Keeling from Strongsville, OH. LCpl Keeling was killed on June 9, 2005, in an explosion in Iraq. He was assigned to the Marine Reserve's 3rd Battalion, 25th Regiment, 4th Marine Division based out of Akron, OH. He was 29 years old.

LCpl Keeling leaves his mother and step-father, Sharon and Robert Berry, his father Tom Keeling; his sister Erin Keeling, and his twin sister Kristen Keeling.

Thomas—Tom to his family and friends—graduated from Strongsville High School in 2000 and then attended Kent State University, graduating in 2004 with a Criminal Justice degree. Matthew Kichinka from Strongsville knew Tom as "Tommy Boy." He reminisced about his high school friend:

I still remember the first time we met in home room 10th grade year. You were my best friend in high school. I will never forget the great times we've shared, the mischief we caused in gym class, and the nights we closed at the kitchen at Giant Eagle. Thank you friend, for being there for me during those difficult times in high school and being the best friend a person could have.

Dave Murphy of Middleburg Heights, OH, moved to Strongsville not knowing a soul—that is until he met Tom. As Dave put it:

I moved to Strongsville when I was young. I was concerned I wouldn't find any friends, I was blessed enough to move in across the street from the Keelings. Before the moving trucks even drove away, Tom was in my yard inviting me into his. This is a perfect example of the person Tom was. He was truly compassionate for others and a great friend.

Mary Jo Webster from Berea, OH, was Tom's 6th grade teacher. She remembers him as "a lively, happy child." Friends knew him as always having fun and doing things he enjoyed. Whether he was playing hockey in Parma Heights, in his softball league, or shooting hoops with friends in his neighborhood, he was always active. Teammates took pride in their skillful forward. He had outstanding agility and tremendous speed. But his interests were not just in the sports that he was playing, he was interested in the people and the relationships it takes to build a team.

When Tom was at Kent State, he worked in housekeeping to earn extra money. Paula Hill described her custodial co-worker by saying that "he was one of the nicest young gentlemen I've ever met. I called him my number three son because he was as close to me as my own children."

When Tom graduated from college, he was considering a career in the FBI. His mother Sharon said that "Tom's dream was to become an FBI agent, and he chose going to the Marine Corps because he thought he would get some experience that would help him along his career."

Tom had been a Reservist for 4 years, and his stepfather and grandfather were both marines. He looked up to his grandfather, who was a World War II veteran and had been awarded two Purple Hearts. When Tom died, he was buried next to him.

Tom once told his stepfather that he was proud of the job that the U.S. troops were doing in Iraq and that he could see things improving. Tom had been in Iraq since February 2005, and was assigned to a mobile strike force seeking insurgents in the Anbar province near the Syrian border. "Sometimes they go out seven days at a time. They'd patrol cities during the day and go out in the desert at night," his stepfather said.

But Tom's work in Iraq didn't stop on the field of battle. In weekly care packages, his family made sure to send him candy and Beanie Babies to hand out to Iraqi children. Tom's ability to connect with the children of the country he was trying to protect was a testament to the kind, gentle soul that Tom Keeling was.

Nate Ickes from Akron, OH, honored his brother-in-arms by saying:

I was honored to have served with Tom. He brought joy and laughter to everyone in our unit. There was never a day that went by that he did not have a smile on his face.

Close friends, like Emily Laurie of Charleston, SC, understand the impact Tom had on the people he touched. She wrote words of comfort in a posting on an Internet tribute website. This is what she wrote:

Remember Tom with a smile. Remember the good things, the good times, and the laughter. He is a hero, endowed with great courage and strength and has sacrificed his life for the freedom of others. He will be missed, but not forgotten.

Close family friend Mark Nutter from Brunswick, OH, also paid tribute to Tom's memory in an online website by saying the following:

I just wanted to say thank you for letting me be a part of your family for a few years. I got the chance to know the man that later became the closest thing I have ever had to a little brother. Tom not only quickly became my friend. He became my family. He became my brother. Tom was one of the greatest people that I will ever know and have ever known in my whole life. I will miss him dearly.

Mark went on to write:

I am posting this because I came through on a small promise I made to Tom when he passed away. Tom played softball with my friends and me for a few years. The friends Tommy made on the team, including me, made a promise to win our league championship for him.

Well Tom, we did it, and we did it for you. I had your old jersey hanging proudly in our dugout all year for you and as long as we play, we always will. I had a picture of Tom and a simple quote below him before our championship games. It read, 'Win 2 for Tommy.' Tom, we won two for you that night and our first league title.

I will miss Tom dearly and hope his family knows what he meant to me. Thanks for the good times. They will always be in my heart. Thank you, again, Tom. It was a pleasure to have known you.

Marine LCpl Thomas Keeling had a zest for life, a love of family and friends, and a deep understanding of what it means to serve. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

Mr. President, I ask unanimous consent to proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAFF SERGEANT RICHARD PUMMILL

Mr. President, I rise to honor a courageous Ohioan from Cincinnati—Marine SSgt Richard Pummill, who was killed in Iraq by a roadside bomb on October 20, 2005, after serving there for 3 months as a weapons officer. He was 27 years of age at the time.

Staff Sergeant Pummill leaves his wife, Chantal; their son Donald Richard—known as Cliff—his mother Lynn, and his grandparents Donald and Ann.

Richard—known as Rick—graduated from Anderson High School in 1996, where he excelled in football and wrestling. Eileen Arnold, a counselor at Anderson High School, first met Rick when he was a freshman. "He stood out in my mind because he was fun-loving, outgoing, and energetic," she recalled. "I had the sense he wanted to do something special with his life. He was never afraid to speak his mind and was never hesitant. He didn't go along just to go along."

Indeed, Rick did want to do something special with his life, and he joined the Marine Corps immediately after high school. Patsy Hager, mother of Rick's childhood friend Wally, said:

The Marines gave him a purpose. He was always driven. He was always about something.

This passion and drive served Rick well in his Marine Corps weapons officer training. As Rick's friend Matt Fugate recalled:



Rick was a fun guy, but he was a Marine through and through. That was his calling.

John Morgan, Jr., and Rick played on the same soccer team when the boys were 4 years old, and the two have remained friends. Rick gave John his spare dog tag the day he joined the military, and John has carried it around on his keychain ever since. He described Rick as "fearless."

But, Rick was also a caring and compassionate individual. For portions of his childhood, he and his mother lived with his grandparents, Ann and Don Leshner. When Rick was stationed with the marines in North Carolina, he would buy wood, haul it home to Ohio, and chop it for his grandparents so they could use it to heat their home. "He adored his grandparents," his mom said.

After completing his Marine Corps training, Rick served as a military recruiter. His charisma and enthusiasm for the job was apparent to all his colleagues. SSgt James Morgan was a fellow recruiter and left the following message for Rick's family on an Internet tribute Web site:

Rick and I worked together on recruiting duty in a two-man station—just him and me. Recruiting duty will test a Marine, but [Rick], my friend, always kept me laughing. We spent many days lost on backwoods Danville roads. [He] always went the extra mile—always volunteered to get the job done. I will never forget him. I am a Staff Sergeant today because of Rick's hard work.

When the war began in Iraq, however, Rick was eager to give up the safety of his recruiter's job for a combat position. After preparing so many young marines to make the journey to Iraq, he felt compelled to go over, himself, and serve beside them. He only had the chance to serve 3 months before he was killed by a roadside bomb during combat operations. Although his time in Iraq was short, he left a lasting impression on those with whom he served. Fellow marine and friend Josh Williams wrote the following after Rick's death:

It's not like when your parent dies of sickness or a friend dies in an accident. Losing a comrade in a war is very different. There's a bond there that doesn't have a name.

Rick was a selfless individual, who was always looking to ease others' hardships. A wife of a fellow marine who served under Rick wrote the following in tribute to him:

I met Staff Sergeant Pummil the day our men left for Iraq. He was so friendly and even gave me some advice about getting through the deployment. 'Just look at it in terms of paycheck to paycheck,' he said. 'That's what my wife will do.' My husband is very privileged to have worked under him.

In his civilian life, Rick enjoyed painting his own cars and thought about going to culinary school after he finished his service in the military. But, there was one passion in his life that far outweighed all the rest—and that was his family—his wife and son Cliff. Rick's mother Lynn recalled that "he was a fantastic father. He was dedicated and adored his son. Cliff looks just like him."

There is no doubt that all those who loved Rick will make sure Cliff knows what a courageous and remarkable man his father was.

Rick's wife Chantal describes her husband as "the most dedicated Marine that I knew. He was a loving husband and a devoted father."

Rick's mother Lynn added:

My son loved our country. He loved the Marine Corps. He lived to be a Marine.

This is how Rick will be remembered, Mr. President: as a loving father, devoted husband, loyal son, caring grandson, and brave marine. My wife Fran and I continue to keep his family in our thoughts and in our prayers.

MASTER SERGEANT DAVID A. SCOTT

Mr. President, I come to the floor to honor and remember a man who dedicated his life to the service of our Nation. On July 20, 2003, Air Force MSgt David A. Scott, from Union, OH, died while serving our country in Doha, Qatar. He was 51 years of age.

"Scotty"—as family and friends called him—spent his career in military service. He was serving as an Air Force Reservist in the U.S. Embassy in Qatar when he died of a brain aneurysm. He is survived by his wife of 25 years Deborah and daughter Christine.

Born in Toledo, Scotty graduated from Erie Mason High School in 1971 in Erie, MI. The following year, he served in the Vietnam war. Afterward, he returned to his hometown of Toledo, where he began work in an automotive factory.

When the automobile factory closed in the mid-1970s, Scotty decided to enlist in the Marines. He served as a marine for 17 years before joining the Air Force Reserves in 1993 and moving to Union.

Though he served our Nation well in the Air Force Reserves, Scotty always thought of himself as a marine first and foremost. "The Marine Corps was his life," his wife Deborah said.

"He was in the Marines for 17 years and worked at testing new recruits. Even when he went into the Air Force Reserves, they called him their token Marine. He always said, 'Once a Marine, always a Marine.'"

But, whether he was serving with the Marines or the Air Force, there was one thing that Scotty always was—a dedicated and selfless serviceman, who was proud to serve his country in any capacity asked of him. At the Embassy in Qatar, he served as the assistant chief of information systems for the 445th Communications Squadron, based out of Wright Patterson Air Force Base in Dayton, OH. His job there was to coordinate and assist in obtaining diplomatic clearances for Coalition aircraft and personnel, as well as to help plan equipment shipments for Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan.

While serving overseas, Scotty would call and e-mail his wife Deborah often and share with her how proud he was of the meaningful work he was doing. As Deborah recalls:

He said it was very important and that he'd met a lot of great people. He was so proud to be serving his country.

An avid sportsman, Scotty enjoyed watching football and would make bets with family members on NFL games. He also enjoyed hunting and fishing.

Scotty was an admirable marine and Reservist—a model for what every serviceman and woman strives to be. But, even more importantly, he was a loving and devoted husband and father. Scotty and Deborah celebrated their 25th anniversary in October 2002. "We had such a nice time," Deborah remembers. "We took a long weekend and went down to Tennessee to Pigeon Forge."

Scotty's death has been felt deeply by all who knew him. In Deborah's words, he was simply a "real nice guy. Everybody loved him."

Scotty was so well respected by those he worked with in the military. One of his comrades, MSgt T. Kirkman, left his friend the following message on an Internet tribute website. This is what he wrote:

Scotty, you are missed, but never forgotten. I am proud to have worked with you at Wright Patterson Air Force Base. You were one of my best and brightest memories of the 445 AW! To Scotty's family—may the Lord continue to bless and keep you until you see him again.

It takes courage and self-sacrifice to serve one's country. Scotty dedicated his life to serving this country. And, he did so in not one, not two, but three branches of the military: the Army, the Marine Corps, and the Air Force. And so today, we honor MSgt David Scott in the U.S. Senate.

Mr. President, my wife Fran and I will keep his family and friends in our thoughts and in our prayers. We will keep his wife Deborah and his daughter Christine in our thoughts and in our prayers.

SERGEANT FIRST CLASS DANIEL J. PRATT

Mr. President, I rise today to pay tribute to Army National Guard SFC Daniel J. Pratt from Newark, OH, who died on November 3, 2005, when he suffered a heart attack, while serving in Iraq. He was assigned to the Army National Guard's 211th Maintenance Company, based out of Newark and had served with the Guard for about 16 years. He was 48 years old. He leaves his wife Linda, his daughter Lindsay, his son Daniel, and his three sisters and two brothers.

Originally from Camden, NJ, Daniel was raised in Williamstown, OH, with his five siblings. He was also a member of Youngstown's St. Christine Catholic Church. At Williamstown High School, he lettered in cross country and indoor and outdoor track.

His former track coach, James Greczek, recalled Daniel's high school days by saying that "he always had a smile. He was a super, super kid."

Daniel's dedication was seen in the type of relationships and friendships he had. Tim Leyden ran cross-country with Daniel at Williamstown, roomed



with him in college, and lives 15 minutes away from his home in Ohio. Just a couple years older than Daniel, Tim reminisced on his best friend by saying this: "He introduced me to my wife. He was godfather to my son. He was . . . outgoing, a good salesman, and fun-loving."

After high school, Daniel attended junior college in Alabama and then Southeastern Lousiana College. Daniel became a foreman for a truck dealership in Austintown, OH. He met his future wife Linda at Lake Tahoe. Daniel and Linda were married for almost 20 years.

In 1989, Daniel joined the National Guard. Since his deployment to Iraq on December 30, 2004, Linda and Daniel emailed each other regularly and talked by phone on Sundays. It was not easy for Daniel to be apart from his family. But Daniel knew that he was proudly serving our Nation. His dedication to service and the safety of his homeland earned him the Meritorious Service Medal on August 31, 2005.

Tim and many of Daniel's family members last saw him in June 2005, when he returned home briefly for his son's high school graduation. Tim recalled, "Everything was fine. He was looking forward to getting home, but the biggest concern was getting all his people home." Daniel was due to return home on December 9, 2005.

The day after Linda received the news of her husband's death, she received flowers from him for their 20th anniversary. "I was just overwhelmed and touched. And I just felt his goodness come through again," she said. To Linda, her husband was not just a patriotic military man and a caring father. He was so much more.

Lorraine Boyer, one of Daniel's siblings, said she wasn't surprised when she heard he had sent anniversary gifts from Iraq. "He had a heart of gold. He was an exceptional human being," she said. "Everybody he came in contact with—he just touched their lives."

Daniel had no previous health problems, but there was a history of heart disease in his family and his father died of heart problems when he was in his 40s.

Teri Gove, Daniel's cousin, said the following in tribute to him:

I am so proud of you, Danny, and so sad for your family. I can still remember Thanksgiving at the camp in Delaware . . . your dad taking us all for a ride in his new big truck out through the woods at midnight to show my dad that his truck could go through anything—and then, the long, dark walk home when [the truck] did get stuck! You and my brother kept hiding and jumping out of the dark to scare us girls! That's the picture I see when I think of you. And now you are a hero!

Jason Chalky from Youngstown also paid tribute to Daniel. This is what he said:

We will miss you, forever. I knew you for a couple of years, and you never led me in the wrong direction. You were a good leader, a good soldier, and a good friend. . . . Thanks for all you gave and that your family gave.

Rick McKinney of Rexburg, ID, served with Daniel in the 237th. He said that Daniel "would stand up for his soldiers like no one that you've ever seen. It was six years that I knew him and served with him. I thank him and his family for all they've done to ensure our freedom."

I would like to conclude my remarks with the words of SFC David Garlits, who said the following in a message to Daniel after his death:

Dan, it was great to know you, buddy. You were one of my best friends in Iraq. Even though we were the same rank, I always looked up to you. You did so much for the Army with so little in return except for knowing you did your best. You will live on because of all that you shared with others.

SFC Daniel Pratt will never be forgotten. My wife Fran and I continue to keep his family in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. CARPER. I ask unanimous consent to be granted an additional 5 minutes from the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIKE DEWINE

Mr. CARPER. Mr. President, before Senator DEWINE leaves the floor, he was speaking of a loss that he and his family and others are mourning, I presume in Ohio, where I spent a number of years as an undergraduate at Ohio State University. I would associate myself with his remarks in extending our sympathies from Delaware. We received some devastating news of our own in Delaware a day or two ago with the news that Army SGT Keith Fiscus had been killed in action in Iraq at the age of 26. Our hearts go out to him. I will be talking more about him later.

There is a loss that we mourn as well, not the loss of a life here in the Senate, but the loss of Senator DEWINE who will be returning to Ohio and to other challenges in the days ahead. Senator DEWINE and I were elected to the House of Representatives in 1982. We came here together with people such as JOHN MCCAIN, Tom Ridge, John Kasich, Harry Reid, Barbara Boxer, Dick Durbin, and JOHN SPRATT, a remarkable freshman class in the House of Representatives. It was the year we elected a lot of Democrats and not nearly as many Republicans. Somehow, then, Congressman DEWINE managed to swim against the tide and to be elected against those odds in Ohio.

He served as a Congressman of distinction, later as the State's Lieutenant Governor where he trained GEORGE VOINOVICH, who served as Governor, and then to be elected to the Senate. It was my privilege to serve with him in the House of Representatives and it has been a privilege to serve with him in the Senate.

On a personal level, I will miss him. I want to say how much it has been a privilege to serve with my friend from

Ohio, who has a good mind and a good heart, wonderful family, and is deeply devoted to them and the people of Ohio, whom we both revere.

Mr. DEWINE. If the Senator will yield.

Mr. CARPER. I do.

Mr. DEWINE. I thank my colleague, who has pointed out to my colleagues in the Senate that he and I came here together in the election of 1982 and came to the House in 1983. We have been dear friends ever since. I will miss working with him. He is someone who I believe exemplifies what this institution is all about, and that is getting things done, working in a bipartisan way, making a difference. He has done that and will continue to do that.

I wish him well.

Mr. CARPER. I appreciate very much those words and the chance to be a friend of Senator MIKE DEWINE.

Mr. President, I wish to talk about a couple of things, if I may. In about 15 or 20 minutes, the Senate will vote on the confirmation of a judge. The President has seen fit to nominate District Court Judge Kent Jordan, who serves in Delaware, to succeed Judge Jane Roth who has served for more than a dozen years as a judge on the Third Circuit Court of Appeals. Judge Roth announced early this year that she was going to take senior status, and she has done that. I will talk a little bit about her, and then I will talk about Judge Kent Jordan.

Judge Roth, whom I have been privileged to know for almost as long as I have been in Delaware, whose husband served here in the Senate for some 30 years and was my predecessor, typifies everything a judge ought to be—smart, knows the law, adheres to the law, uncommonly fairminded, treats those who come before her, whether they are on either side of an argument, with respect, has a reputation for providing judicial temperament, a forum where justice can occur. She is somebody who works hard, somebody who has a wonderful sense of humor. Sometimes when people don those black robes, they turn in their sense of humor, but she has never lost hers.

Along the way, in addition to being a district court judge and then a circuit court judge on the Third Circuit Court of Appeals, she was a lawyer and partner in a major law firm in my State, Richards, Layton & Finger. She played a prominent role there for about 20 years.

Prior to that, she served in the foreign service for our country. I believe she served in places such as Iran, and we could probably use her expertise and counsel these days. She served in Rhodesia and in the Republic of the Congo. She married Bill Roth along the way, raised two children, and somehow managed to do it all with grace and aplomb. She continues to serve us as the senior judge of the Third Circuit Court of Appeals. We are lucky she does, and we are grateful to her for that service and to her family for sharing with all the people of the country,

not just of Delaware, a remarkable human being.

We are grateful for her service and think of her today as we consider the nomination of her successor Kent Jordan.

I have known Kent Jordan not for as long as Judge Roth, but I have known him. He served on the district court in Delaware for some time. Delaware is a little State. You know almost everybody, if you want to. I have had a chance to get to know him and his family. I think he has earned very high marks as our district court judge, much as Judge Roth did when she was our district court judge.

When I was privileged to be Governor of the State for some 8 years, I nominated a lot of people to serve on the bench. Among the qualities I looked for was people who knew the law, who had good judgment, who were able to make decisions. Sometimes people, frankly, find it hard to make a decision. As a judge, that is not a good thing. You want somebody who knows the law and somebody who has good judgment, who is able to make decisions and follows the golden rule in the way the people treat who come before them, who provides good judicial temperament and a forum, a courtroom, where justice will more likely than not be served.

Judge Jordan in his service on the district court has always shown that those are the qualities he is all about.

He, as Judge Roth, has been a parent, raised a family. I am not sure if I have the right number, but I think he and his wife have raised five or six, maybe seven children. So they have had a lot going on at home, with schools and all kinds of extracurricular activities.

He served before that in a number of other challenging situations. We had a little debate today and there was a cloture vote on whether we were going to vote on Judge Jordan's nomination. Nobody should somehow interpret that vote and the fact that we had to vote on cloture as any question about his integrity, competence, ability, and willingness to serve. He will be a great addition to the Third Circuit Court of Appeals.

We will vote in about 15 minutes on Kent Jordan's nomination. I hope my colleagues will join me—and I know I speak for Senator BIDEN in urging our support—unanimous support for this nomination. He has not disappointed us in anything he has ever done, and I am sure he will not disappoint any of us in this regard either. He has received, by the way, from the American Bar Association—every now and then we talk about the ratings they hand out with respect to nominees. His unanimous rating was “well qualified,” which is the highest possible grade. It was a unanimous rating. I think that speaks for itself.

In addition to having served as a district court judge for the last 4 years, he also clerked for a legend in our part of the country, District Court Judge James Latchum. Once he graduated

from law school, he became an assistant U.S. attorney for the Delaware District. He has done great things with his life. He has a lot of integrity and great energy. I hope he will be rewarded for those things later today. We will be voting in a very short while.

#### INDEPENDENT REGULATOR FOR GOVERNMENT-SPONSORED ENTERPRISES

As we come down the home stretch on our year's business, there are some things we are going to complete today, or maybe tomorrow—hopefully, not Sunday—and there are some things we may not complete. I was looking in the local paper in our State, the News Journal, on Thursday when I was coming down on the train. I saw an article that was headlined “Fannie Mae Restates Earnings, With \$6.3 Billion in Profits Slashed.”

I think what the auditors and the Fannie Mae accountants have done is looked at earnings over a 4-year period of time, from 2001 through 2004, and they concluded that Fannie Mae—a huge enterprise, a large Government-sponsored enterprise, like Freddie Mac—overstated their profits by some \$6.3 billion.

The reason I bring that up is that I am disappointed that we are going to finish business this year and not provide for a strong, independent regulator for Government-sponsored enterprises such as Fannie Mae and Freddie Mac, and the Federal Home Loan Banks. That has not been questioned—with respect to the way they operate, the accuracy of the financial reporting. Great questions have been raised over Fannie Mae and Freddie Mac, and as we have seen in yesterday's newspaper, there was a huge restatement of earnings.

I think it is unfortunate that we are not going to be able to conclude with a vote on legislation that some people have spent a lot of time working on in the last year or two. The House of Representatives has passed—not unanimously but by a wide margin—legislation that would provide for a strong, independent regulator for Fannie Mae and Freddie Mac. The Senate ended up breaking down along party lines in the Senate Banking Committee on similar kinds of legislation. We passed out a bill on party lines. It never came up on the floor. In the last month or two, there has been an encouraging discussion and negotiation between Congressmen BARNEY FRANK and MIKE OXLEY, his staff, and the folks at the Treasury Department, under the direction of Secretary Hank Paulson, to try to narrow the differences between the bill reported out by our committee with only Republican support and the bill that passed with bipartisan support in the House. We have not been able to resolve all of our differences, but progress has been made in the last month. I want to say to both Congressman FRANK and Congressman OXLEY—who is leaving, as well, at the end of this year, so he will not have a chance to push this ball into the end zone next

year but certainly Congressman FRANK will be in a position to do that. He will chair the relevant committee in the House. I think great work has been done and good progress has been made.

It is unfortunate that we are not going to complete the job this week. I think we need the ball up for next month. I hope one of the first things we will do in the Senate Banking Committee is hold hearings and look at the negotiations that have taken place between the House and the Treasury Department and see if we cannot build on those and pass legislation—find common cause with the House of Representatives and the administration and pass the legislation.

Until we do that, there are a couple things that are going to be occurring. One, we are going to have uncertainty for the enterprises, Fannie Mae and Freddie Mac, and those who are thinking about selling their stock. There will be an impact on the housing market as well. We don't need that. The regulator for these entities will not have bank-regulator-like powers. This regulator needs that. These entities need a regulator that has bank-regulator-like powers. The regulator will not be independent, and we need legislation which would create a strong, independent regulator. Mission and new product authority will continue to be separate; they should not be. Capital requirements will not be flexible; they should be. Growth of these two enterprises will go largely unconstrained.

None of those things are desirable. I hope we can address them all when we come back and resolve them satisfactorily in a very few months.

Having said that, there is a lot of progress that has been made. If we go back a year or so, we had large differences where folks in the Senate were on a path forward with respect to a strong, independent regulator for Government-sponsored enterprises. We agree on combining the regulator for Fannie Mae and Freddie Mac with the Federal Finance Board, which regulates the Federal Home Loan Banks. We agree on that now.

The question of the independent regulator from the appropriations process, we agree on that—that the regulator should be independent of the appropriations process. We also agree that the independent litigation authority for the regulator should be provided. Currently, they have to go through the Department of Justice, and I think we have all come to agree that is not the best course, and the regulator ought to have independent litigation authority. We decided the regulator has to have the power to put them into receivership if, God forbid, the worst should occur. We agree on that today. We have agreed on combined mission oversight and new product authority under one world class regulator, something that a month or a year or so ago we didn't have common cause on. We agree today that the regulator ought to have flexibility for setting capital standards—

the Congress setting standards for risk or minimum capital standards. We should invest in the regulator's authority.

We agree that there ought to be restrictions on the size of the portfolios of Freddie Mac and Fannie Mae. We are talking about hundreds of billions of dollars, literally, portfolios that exceed a trillion dollars. That is a lot of money. Enterprises of this size, because of the effect they can have on financial markets here and around the world, deserve a world-class regulator. We want to make sure they get that. That should be an early item of business next January.

Having said that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, I am pleased to speak today in enthusiastic support of Kent Jordan, a fellow Delawarean, who has been nominated by President Bush to serve on the U.S. Court of Appeals for the Third Circuit.

If Kent is confirmed by the Senate, he will have completed a meteoric rise to a seat on the Federal court of appeals, and no one is more deserving.

But before I talk about Judge Jordan, allow me to say a few words about the Judge whom Judge Jordan is nominated to replace. This spring, Judge Jane Roth informed the President that she would be taking senior status. Judge Roth has been a stellar presence on the Federal bench; she has served her country with dignity, wisdom and distinction. She is dedicated to the rule of law, and her representation of our State on the court of appeals has brought nothing but distinction to Delaware.

Like many of you, I have known Judge Roth for several years, and I look forward to her continued brilliant service as a senior judge of the circuit.

As I told the Judiciary Committee at his hearing, Kent Jordan has very large shoes to fill, but I am confident that he is up to the task.

Judge Jordan began his legal career with a clerkship in the chambers of Judge Latham, a pillar of the bar in Wilmington. He went on to serve as an assistant U.S. attorney, working on some highly publicized cases and bringing some really bad characters to justice.

He then became a partner at one of Delaware's top law firms, Morris James Hitchens & Williams, before becoming general counsel to the 102-year-old Corporation Services Company and finally, 4 years ago, being confirmed by this Senate to serve on the bench of the

U.S. District Court for the District of Delaware.

Mr. Chairman, the past 4 years have demonstrated what those of us familiar with Judge Jordan already knew. He possesses the sterling academic and professional skills, as well as the vital judgment and temperament, to be an outstanding Federal district judge.

Lawyers who have appeared before Judge Jordan—even those he has ruled against—have described him as open-minded and fair. His colleagues on the bench have come to value his intellect, integrity and his friendship.

If confirmed, Judge Kent will be an asset to the appellate bench and a model of responsible jurisprudence for years to come. I have full confidence that he will bring to the appellate bench all of the assets he has so clearly demonstrated in the district court.

I highly commend Judge Jordan to my colleagues and ask that they vote to confirm his nomination. •

Mr. BURR. Mr. President, I yield back the remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Missouri (Mr. TALENT), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—91

Akaka  
Alexander  
Allard  
Allen  
Baucus  
Bayh  
Bennett  
Bingaman  
Bond  
Boxer  
Bunning  
Burns  
Burr  
Byrd

Cantwell  
Carper  
Chafee  
Chambliss  
Clinton  
Coburn  
Cochran  
Coleman  
Collins  
Conrad  
Cornyn  
Craig  
Crapo  
Dayton

DeMint  
DeWine  
Dole  
Domenici  
Dorgan  
Durbin  
Ensign  
Enzi  
Feingold  
Feinstein  
Frist  
Grassley  
Gregg  
Hagel

Harkin  
Hutchison  
Inhofe  
Inouye  
Isakson  
Jeffords  
Johnson  
Kennedy  
Kerry  
Kohl  
Kyl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln

Lott  
Lugar  
Martinez  
McConnell  
Menendez  
Mikulski  
Murkowski  
Murray  
Nelson (FL)  
Nelson (NE)  
Obama  
Pryor  
Reed  
Reid  
Roberts  
Rockefeller  
Salazar

Santorum  
Sarbanes  
Schumer  
Sessions  
Shelby  
Smith  
Snowe  
Stabenow  
Stevens  
Sununu  
Thomas  
Thune  
Vitter  
Voinovich  
Wyden

NOT VOTING—9

Biden  
Brownback  
Dodd

Graham  
Hatch  
McCain

Specter  
Talent  
Warner

The nomination was confirmed.

#### LEGISLATIVE SESSION

Mr. ENZI. I ask unanimous consent the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HUNGER-FREE COMMUNITIES ACT OF 2005

Mr. DEWINE. Mr. President, I ask unanimous consent on behalf of the leader that the Committee on Agriculture be discharged from further consideration of S. 1120 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1120) to reduce hunger in the United States by half by 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. I understand there is an amendment at the desk, and I ask unanimous consent the amendment be considered and agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, the title amendment, which is at the desk, be agreed to, and any statements be printed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5233) was agreed to, as follows:

(Purpose: To make perfecting amendments)  
On page 1, line 5, strike "2005" and insert "2006".

On page 2, strike lines 3 through 10.  
On page 2, line 11, strike "(4)" and insert "(1)".

Beginning on page 2, strike line 19 and all that follows through page 3, line 21.

On page 3, line 22, strike "(8)(A)" and insert "(2)".

On page 4, line 2, strike "and".

Beginning on page 4, strike line 3 and all that follows through page 5, line 2.

On page 5, line 3, strike "(10)" and insert "(3)".

On page 5, line 5, insert "and" after the semicolon.

On page 5, line 6, strike "(11)" and insert "(4)".

On page 5, line 18, strike the semicolon and insert a period.

Beginning on page 5, strike line 19 and all that follows through page 6, line 9.

Beginning on page 7, strike line 12 and all that follows through page 8, line 12.

On page 8, strike line 13 and insert the following:

#### SEC. 101. HUNGER REPORTS.

On page 8, line 16, strike “, and annual updates of the study,” and insert “not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter.”.

On page 8, strike lines 21 and 22 and insert the following:

(A) data on hunger and food insecurity in the United States;

On page 9, line 14, strike “, and annually thereafter,” and insert “and 5 years thereafter.”.

On page 10, line 14, strike “50 percent” and insert “90 percent”.

Beginning on page 15, strike line 6 and all that follows through page 17, line 19, and insert the following:

#### SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

On page 19, line 10, strike “or 202”.

On page 20, line 14, strike “or 202”.

On page 20, strike line 15 and insert the following:

#### SEC. 203. REPORT.

The amendment (No. 5234) was agreed to, as follows:

Amend the title so as to read: “To reduce hunger in the United States, and for other purposes.”

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1120

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Hunger-Free Communities Act of 2006”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—NATIONAL COMMITMENT TO END HUNGER

Sec. 101. Hunger reports.

#### TITLE II—STRENGTHENING COMMUNITY EFFORTS

Sec. 201. Hunger-free communities collaborative grants.

Sec. 202. Hunger-free communities training and technical assistance grants.

Sec. 203. Report.

#### TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

#### SEC. 2. FINDINGS.

Congress finds that—

(1)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015; and

(B) as a result of this pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(2)(A) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(3) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to

feed more than 23,000,000 low-income people; and

(4) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term “domestic hunger goal” means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term “emergency feeding organization” has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term “food security” means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term “hunger-free communities goal” means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

#### TITLE I—NATIONAL COMMITMENT TO END HUNGER

##### SEC. 101. HUNGER REPORTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter, of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary shall include—

(A) data on hunger and food insecurity in the United States;

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and 5 years thereafter, the Secretary shall submit to the President and Congress a report that contains—

(1) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a); and

(2) the most recent recommendations of the Secretary under subsection (b).

#### TITLE II—STRENGTHENING COMMUNITY EFFORTS

##### SEC. 201. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term “eligible entity” means a

public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 90 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an analysis of the problem of hunger in the community served by the eligible entity;

(iii) an analysis of the problem of hunger in the community served by the eligible entity;

(iv) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) **ACTIVITIES.**—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

#### **SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.**

(a) **DEFINITION OF ELIGIBLE ENTITY.**—In this section, the term “eligible entity” means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) **PROGRAM AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary shall use not more than 10 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) **FEDERAL SHARE.**—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) **CONTENTS.**—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 201.

(3) **PRIORITY.**—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) **USE OF FUNDS.**—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 201.

#### **SEC. 203. REPORT.**

Not later than September 30, 2011, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

#### **TITLE III—AUTHORIZATION OF APPROPRIATIONS**

##### **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out title II \$50,000,000 for each of fiscal years 2006 through 2011.

#### **GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2005**

Mr. ENZI. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1245, Johanna's Law, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1245) to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

There being no objection, the Senate proceeded to consider the bill.

Mr. COBURN. Mr. President, as a physician and a two-time cancer survivor, I believe that eliminating cancer should be among our Nation's highest priorities.

During my two decades practicing medicine, I have treated countless patients of all ages and backgrounds who were diagnosed with various forms of cancers. Many were successfully treated and are alive and healthy today. Others were not as fortunate. Sadly, most of these cases could have been treated if detected earlier. Nearly all could have been prevented.

As a physician, I know firsthand that both patients and health care providers are not properly informed about many

symptoms and causes of cancer. I have long been disappointed that the U.S. Surgeon General and the Centers for Disease Control and Prevention, CDC, have failed to take an effective leadership role to educate the American people with lifesaving information about the various forms of cancer and how to protect themselves. As a result, the American Cancer Society estimates that 1,399,790 men and women—720,280 men and 679,510 women—will be diagnosed with and 564,830 men and women will die of cancer of all sites in 2006. Countless others will require invasive treatment that will forever affect their lives.

Each of these individual lives represents a failure to protect the health of one of our sisters, daughters, brothers, sons, parents, neighbors, and friends.

One recent patient of mine, an 18-year-old girl, is an example. She was diagnosed with human papillomavirus, HPV, infection. HPV is the cause of over 99 percent of all cervical cancers and is a sexually transmitted disease.

To prevent the onset of invasive cervical cancer, a large portion of this young girl's cervix had to be removed. As a result she is less likely to be able to become pregnant in the future and more likely to have a premature infant if she does become pregnant. And despite already undergoing invasive treatment, she remains at risk for future complications and additional surgeries.

This girl and the others that I am caring for in my medical practice are the real faces of those affected by HPV and cervical cancer. What we are confronting is not an isolated epidemic.

About 24 million Americans are currently infected with HPV according to the National Cancer Institute and an estimated 5.5 million Americans become infected with HPV every year. With 4.6 million of these HPV infections acquired by those aged 15 to 24, HPV accounts for over half of all new sexually transmitted diseases among young Americans. On March 8, 2004, researchers from the Colorado Health Sciences Center reported that more than 30 percent of women in a recent study were found to be infected with a strain of HPV linked to cervical and anal cancer. In comparison, 18.7 percent of men carried HPV-16, one of 10 high-risk strains of the virus.

Over 1,350,000 women will have invasive procedures each year just to assess the status of their abnormal pap smears secondary to HPV. According to the American Cancer Society, every year over 12,000 new cases of invasive cervical cancer are diagnosed and more than 4,000 women die of the disease. And noninvasive cervical cancer is estimated to be four times as widespread as the invasive type. HPV is also associated with other forms of cancer and more than 1 million precancerous lesions that affect both women and men.

Few of my patients with HPV had ever heard of the virus and were unaware of its health risks including its

link to cancer. Many of my fellow physicians were not even aware of HPV and its symptoms.

In 2000, I authored legislation directing the CDC and the Food and Drug Administration—FDA—to take actions to educate the public with “medically accurate information” about HPV and cervical cancer. I was disappointed when groups that claimed to advocate for women’s health, such as the American College of Obstetricians and Gynecologists—ACOG—opposed my proposal and fought to keep the public in the dark about HPV.

The HPV law was approved by Congress as a component of the Consolidated Appropriations Act of 2001 and became Public Law 106-554 with the signature of President Bill Clinton on December 21, 2000. In a Statement of Administration policy, President Clinton stated:

The Administration supports the goal of better informing the public about HPV and the fact that the use of condoms may not fully prevent HPV transmission.

The law directed CDC to develop a report outlining the “best strategies to prevent future infections, based on the available science.” After the repeated urging of Congress, CDC finally issued a report in 2004 that concluded:

Because genital HPV infection is most common in men and women who have had multiple sex partners, abstaining from sexual activity (i.e. refraining from any genital contact with another individual) is the surest way to prevent infection. For those who choose to be sexually active, a monogamous relationship with an uninfected partner is the strategy most likely to prevent future genital HPV infections. For those who choose to be sexually active but who are not in a monogamous relationship, reducing the number of sexual partners and choosing a partner less likely to be infected may reduce the risk of genital HPV infection. . . .

The available scientific evidence is not sufficient to recommend condoms as a primary prevention strategy for the prevention of genital HPV infection. . . .

Regarding other possible prevention approaches, no data indicate that treatment of clinical lesions or use of microbicides will prevent transmission of infection, although HPV vaccines are likely to become available in the next few years and may become an effective prevention tool.

The CDC’s conclusions reflected what has become the scientific consensus.

In a February 1999 letter to the U.S. House Commerce Committee, Dr. Richard D. Klausner, then-Director of the National Cancer Institute, stated:

Condoms are ineffective against HPV because the virus is prevalent not only in the mucosal tissue (genitalia) but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission are not warranted.

In 2001, the National Institute of Allergy and Infectious Diseases along with FDA, CDC and the U.S. Agency for International Development issued a consensus report regarding condom effectiveness that concluded “there was no epidemiologic evidence that condom use reduced the risk of HPV infection.”

In November 2002, a meta-analysis of “the best available data describing the relationship between condoms and HPV-related conditions” from the previous two decades was published in the journal *Sexually Transmitted Diseases*. The meta-analysis concluded: “There was no consistent evidence of a protective effect of condom use on HPV DNA detection, and in some studies, condom use was associated with a slightly increased risk for these lesions.”

Based upon these findings, the law directs CDC to “prepare and distribute educational materials for health care providers and the public that include information on HPV. Such materials shall address modes of transmission, consequences of infection, including the link between HPV and cervical cancer, the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV, and the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer.” The CDC has not complied with this requirement.

The law further requires that “all other relevant educational and prevention materials prepared and printed from this date forward for the public and health care providers by the Secretary—including materials prepared through the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration—or by contractors, grantees, or subgrantees thereof, that are specifically designed to address STDs including HPV shall contain medically accurate information regarding the effectiveness or lack of effectiveness of condoms in preventing the STD the materials are designed to address.” Again, Federal agencies have not complied with this provision of law.

The law directed the FDA “to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.” Six years after this law was signed, the FDA is still in the beginning stages of crafting a new medically accurate informational label for condom packages. By way of comparison, it took 410 days to build the Empire State Building and 2 years, 2 months and 5 days to construct the Eiffel Tower.

Congress approved the HPV law precisely because Federal health agencies had failed to educate the American public about the health risks of HPV and how it can be prevented and these same agencies are continuing their cover-up of the HPV epidemic, now in violation of federal law.

In 1999, when this law was first offered in Congress, a study published by the American Journal of Preventive Medicine in June 1999, found that “only 37 percent of respondents had ever heard of HPV,” meaning knowledge of HPV has not increased in almost a decade. The 1999 study concluded “imple-

menting HPV education programs and measuring their effectiveness should be a priority.”

According to a 2005 Health Information National Trends Survey, only 40 percent of women have ever heard about HPV. Of those that have heard of HPV, less than 20 percent knew that HPV could sometimes lead to cervical cancer, meaning that only about 8 percent of American women are aware that HPV can cause cervical cancer. The only factors associated with having accurate knowledge—knowing that it could lead to cervical cancer—was an abnormal Pap test or testing positive on an HPV test. This suggests that most women are finding out about HPV only after experiencing a negative consequence.

As these numbers show, the failure of CDC and FDA to enact the HPV/cervical cancer education and prevention law has had real consequences—a hidden epidemic that claims thousands of lives every year and affects tens of millions of others.

It is unacceptable that federal health agencies have abdicated their responsibility and missions and intentionally ignored the law and, in so doing, placed the health and lives of millions in jeopardy.

Today the Senate has passed another bill, the Gynecologic Cancer Education and Awareness Act, or “Johanna’s Law,” which will again direct CDC and FDA to educate the public about cervical cancer as well as other forms of gynecological cancer.

I would like to recognize Senator ARLEN SPECTER, Congressman DARRELL ISSA, cancer survivor Fran Drescher, and the countless other activists who are cancer survivors themselves or have a loved one who has been diagnosed with gynecological cancer who have championed this bill through Congress.

It is an unfortunate statement that this bill is even necessary. It is a recognition that federal health agencies have failed to effectively carry out their missions.

It was my concern that the same agencies entrusted with enacting this bill would ignore it in the same manner that the law Congress passed in 2000 has been ignored. That would mean that the dedication and hard work of the activists and survivors who supported this bill was for nothing.

When I voiced these concerns, Senator SPECTER agreed to amend the bill language to include a date certain that the cancer education activities that both this bill and the current law require. This assures that the law and the epidemic of gynecological and cervical cancer can no longer be ignored by federal agencies.

If the CDC and the FDA do not enact the provisions of this bill and the existing law—317P of the Public Health Service Act—by March 1, 2008, the Department of Health and Human Services is required to submit to Congress a “a detailed description of all actions



taken" to bring the Department into compliance every three months until the law has been fully enacted.

I fully expect that these requirements will compel CDC and FDA to enact these important laws and the Department will not deliver "the dog ate my homework" excuses. Laws, after all, are not optional for citizens, for members of Congress or even for government agencies and bureaucrats.

Again, I am pleased that the Senate is directing federal health agencies to do their part to help educate and prevent gynecological and cervical cancer and that this time we will hold them accountable to ensure that not another one of our sisters, daughters, mothers, or friends falls victim to this silent epidemic.

Mr. ENZI. I ask unanimous consent that the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5235) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Gynecologic Cancer Education and Awareness Act of 2005" or "Johanna's Law".

#### SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 317P of the Public Health Service Act (42 U.S.C. 247b-17) is amended—

(1) in the section heading by adding "(JOHANNA'S LAW)" at the end; and

(2) by adding at the end the following:

"(d) JOHANNA'S LAW.—

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

"(B) WRITTEN MATERIALS.—Activities under the national campaign under subparagraph (A) shall include—

"(i) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

"(ii) distributing the materials to members of the public upon request.

"(C) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subparagraph (A) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subparagraph (B) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

"(2) REPORT AND STRATEGY.—

"(A) REPORT.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall submit to the Congress a report including the following:

"(i) A description of the past and present activities of the Department of Health and Human Services to increase awareness and

knowledge of the public with respect to different types of cancer, including gynecologic cancers.

"(ii) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

"(iii) For each activity described pursuant to clauses (i) or (ii), a description of the following:

"(I) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

"(II) The background and history of such activity, including—

"(aa) the goals of such activity;

"(bb) the communications objectives of such activity;

"(cc) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

"(dd) how such activity is or was expected to result in change.

"(III) How long the activity lasted or is expected to last.

"(IV) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

"(V) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

"(B) STRATEGY.—

"(i) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subparagraph (A), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

"(ii) CONSULTATION.—In developing the strategy under clause (i), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

"(3) FULL COMPLIANCE.—

"(A) IN GENERAL.—Not later than March 1, 2008, the Secretary shall ensure that all provisions of this section, including activities directed to be carried out by the Centers for Disease Control and Prevention and the Food and Drug Administration, are fully implemented and being complied with. Not later than April 30, 2008, the Secretary shall submit to Congress a report that certifies compliance with the preceding sentence and that contains a description of all activities undertaken to achieve such compliance.

"(B) If the Secretary fails to submit the certification as provided for under subparagraph (A), the Secretary shall, not later than 3 months after the date on which the report is to be submitted under subparagraph (A), and every 3 months thereafter, submit to Congress an explanation as to why the Secretary has not yet complied with the first sentence of subparagraph (A), a detailed description of all actions undertaken within the month for which the report is being submitted to bring the Secretary into compliance with such sentence, and the anticipated date the Secretary expects to be in full compliance with such sentence.

"(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated \$16,500,000 for the period of fiscal years 2007 through 2009."

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1245), as amended, was read the third time, and passed.

#### AMENDING THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. ENZI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4113, the Native American Methamphetamine Act, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 4113) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4113) was ordered to a third reading, was read the third time, and passed, as follows:

S. 4113

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.

(a) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", territories, and Indian tribes (as defined in section 2704)" after "to assist States"; and

(B) in subparagraph (B), by striking "and local" and inserting "territorial, Tribal, and local";

(2) in paragraph (2), by inserting ", territories, and Indian tribes" after "make grants to States";

(3) in paragraph (3)(C), by inserting ", Tribal," after "support State"; and

(4) by adding at the end the following:

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—

"(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

"(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purposes described in this subsection."

(b) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192) is amended by inserting ", territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(c) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARIENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192) is amended—

(1) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", territorial, or Tribal" after "State"; and



(ii) by striking “and/or” and inserting “or”;

(B) in paragraph (2)—

(i) by inserting “, territory, or Indian tribe” after “agency of the State”; and

(ii) by inserting “, territory, or Indian tribe” after “criminal laws of that State”; and

(C) by adding at the end the following:

“(3) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).”; and

(3) in subsection (c)—

(A) in paragraph (3), by striking “Indian Tribe” and inserting “Indian tribe”; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “State’s services” and inserting “services of the State, territory, or Indian tribe”; and

(II) by striking “and/or” and inserting “or”;

(ii) in subparagraph (A), by striking “State”;

(iii) in subparagraph (C), by inserting “, Indian tribes,” after “involved counties”; and

(iv) in subparagraph (D), by inserting “, tribal” after “Federal, State”.

#### LIFESPAN RESPITE CARE ACT OF 2006

Mr. ENZI. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3248, which was received from the House. I ask unanimous consent there now be up to 60 minutes of debate equally divided between Senators ENZI and COBURN or their designees with no amendments in order, and that following the use or yielding back of the time the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3248) to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I would like to make a few brief comments. Then there will be others who will join me and Senator COBURN as well.

Currently there are over 40 million caregivers in the United States providing informal care or support to a disabled elderly relative. This represents about one out of every five homes in the United States. The Lifespan Respite Care Act would help these caregivers by authorizing competitive grants to aging and disability resource centers in collaboration with State respite coalitions and organizations. That would make quality respite care accessible to family caregivers regardless of age or disability.

Respite care provides family caregivers with the time to maintain their

own health, bolster family stability, and keep marriages intact. It also allows family caregivers to avoid or delay police intervention and nursing home or foster care placements.

Over 180 national and State organizations have endorsed this important legislation, including the Alzheimer’s Association, the MS Society, Easter Seals, Christopher Reeve Paralysis Foundation, the ALS Association, and the National Patient Advocate Foundation, to mention but a few.

The House of Representatives passed the Lifespan Respite Act by voice vote without objection on December 5, 2006. In the Senate, a similar version passed unanimously in 2003 and has twice passed the Health, Education, Labor and Pensions Committee in previous Congresses. The bill has strong bipartisan support in the Senate.

I thank my good colleague, Senator WARNER, for his leadership and work on this important legislation during this Congress and previous Congresses. It was his bill that we moved through the Health, Education, Labor and Pensions Committee. Without his perseverance we would not be here today to pass this bill and send it to the President for his signature.

I would also like to thank Senator CLINTON, the cosponsor of this important legislation, who has worked diligently on it.

I respectfully ask my Senate colleagues to approve this legislation and send it to the President to be signed into law.

• Mr. WARNER. Mr. President, I rise in support of the Lifespan Respite Care Act.

I have long been a major supporter of providing community-based respite care services for family caregivers of children and adults with special needs. In fact, as the lead Republican sponsor of the Senate bill for several years, I am pleased that in previous years the bill has been approved by the HELP Committee twice and by the full Senate once.

This legislation was first brought to my attention by a number of Virginians suffering from ALS, also known as Lou Gehrig’s disease, and by their family caregivers. The Lifespan Respite Care bill is important because diseases such as ALS, MS, Alzheimer’s, cancer, and others afflict far too many Americans.

While substantial investments have been made to help find cures for these diseases, we all know that until cured, these diseases will continue to have a substantial effect on far more people than the individuals who are diagnosed with them. ALS, MS, Alzheimers, and other diseases all have a tremendous impact on the family and particularly on family members who, out of love and compassion, take care of their loved ones who are terminally ill.

Serving as a family caregiver, though, often results in substantial emotional, physical, and financial hardship. It can take a tremendous toll

on the family. Respite care services can provide assistance.

Currently, the Federal Government does provide some respite care assistance to some family caregivers. However, these programs are directed primarily at lower-income populations and at family caregivers of older Americans. Thus, existing programs of respite care are insufficient to meet the need. This legislation is intended to fill the gap.

This important legislation will authorize competitive grants to Aging and Disability Resource Centers in collaboration with a public or private nonprofit State respite coalition to make quality respite available and accessible to family caregivers, regardless of age or disability.

In so doing, this bill will be a win-win-win for everybody involved. Patients will be able to receive care in the home from loving, caring family members rather than in a nursing home. Family members will be even further encouraged to serve as a family caregiver knowing that services will be available to assist them. And, finally, the Federal Government and our health care system will recognize fiscal savings as—more care will be given in the home by a family member rather than in the more costly nursing home setting. As we all know, given the aging baby boomer generation, the cost of Medicaid nursing home care is expected to be a primary reason of increased healthcare costs in the years to come. The Lifespan Respite Care bill is one step in the right direction towards controlling these costs.

I would like to thank Republican Congressman MIKE FERGUSON of New Jersey for his work and dedication to this cause. He has been a champion on this issue for years and recognizes its importance based on his very personal experience, as he witnessed his father serve as a family caregiver. I would also like to thank the National Respite Care Coalition and its Chair, Jill Kagan, who has worked tirelessly on behalf of the Nation’s family caregivers on this issue.

I also thank Senator SNOWE, Senator ENZI, and Senator GREGG for their support. Finally, I thank Senator CLINTON and her professional staff for partnering with me and my staff for the past 5 years on this important legislation. •

• Mr. HATCH. Mr. President, I rise in strong support of S. 1245, the Gynecologic Cancer Education and Awareness Act, better known as Johanna’s Law. This bill needs to be signed into law as quickly as possible.

Johanna’s Law creates a national public awareness campaign to increase the knowledge of both women and their health care providers concerning gynecologic cancers. This national campaign will include written materials for the public on gynecologic cancers and public service announcements to encourage women to discuss with their physicians their risks of

gynecologic cancers. In addition, women will be directed on where to get additional information on the early warning signs and risk factors associated with gynecologic cancers.

The legislation also requires the Secretary of Health and Human Services, HHS, to submit a report to Congress on the past and present activities of the agency to increase awareness on all cancers, including gynecologic cancers. The report also would include information on what HHS is doing to educate health care professionals on these cancers. Once this report is submitted to Congress, the Secretary of HHS is required to develop and submit a strategy for improving efforts to increase awareness and public knowledge on gynecologic cancers. When developing this strategy, the Secretary is encouraged to consult with qualified public sector groups, including non-profit organizations.

Finally, this legislation authorizes \$16.5 million to be appropriated for this program from fiscal year 2007 through fiscal year 2009.

I am extremely supportive of this legislation, and have worked to see its enactment this week.

Why is this bill important?

The stories of two very special women will answer that question. They have, I believe, made a huge difference in passing this legislation.

The first person is Grace Warren, who handled health care issues with great skill for Congressman RALPH HALL of Texas for many years. Ms. Warren is one of those Hill staffers who is well known for her institutional knowledge and her professionalism. She is widely respected and loved on both sides of the aisle.

Unfortunately, Grace's career on Capitol Hill was cut short in November 2003, when she was diagnosed with ovarian cancer. She retired from the House of Representatives last year, and passing this legislation became her passion.

Ms. Warren made a compelling case to both my office and the Senate HELP Committee on why this legislation needs to be signed into law this year. While Ms. Warren believes that this bill won't do anything for those women who have already been diagnosed with gynecologic cancers, she recognizes that it will make a huge difference for other women because it will help educate them on the early warning signs of gynecological cancers, such as abdominal swelling, gastrointestinal disturbances, lower back pain and abnormal bleeding.

The second person whom I would like to acknowledge is Ms. Fran Drescher who also must deserve great credit for getting this legislation through the Congress. Her commitment to having this bill signed into law has been very impressive to me.

Ms. Drescher has tirelessly visited with Members of Congress this entire week and will be staying in town until this legislation is passed by both Houses of Congress.

While I have known Fran for many years, it was gratifying to be reminded of her tremendous enthusiasm and her commitment to women's health. Ms. Drescher is extremely articulate when she is advocating for Johanna's law. And that is because as a cancer survivor herself, she is strongly committed to educating women about awareness and early detection of gynecologic cancers.

It was painful for me to hear her story. Over a period of 2 years, Ms. Drescher tried to get a diagnosis for her symptoms. She saw eight doctors before being told that she had uterine cancer.

This should never happen.

Ms. Drescher recognizes that women must know the early warning signs of all gynecologic cancers and which tests are available because women cannot assume that these tests will be offered to them.

In addition, she is the author of the book *Cancer Schmancer* which discusses how she beat uterine cancer. Her dedication and commitment have made a tremendous difference and we all greatly appreciate her efforts.

Both Ms. Warren and Ms. Drescher are truly amazing women who have shown a selfless dedication to making a difference in the lives of others.

It is for Grace Warren, and Fran Drescher, and the many, many other women who will be challenged by gynecological cancers that we must pass this legislation.

I strongly support this bill because I want women and their health care providers all to be educated about the early warning signs of these cancers.

I want a screening test to be developed so that it will be easier to diagnose gynecological cancers in the early stages of the disease.

I am tired of women having limited health care options because of late stage diagnosis. This must change.

But, I am hopeful that we can start to make a difference in the lives of all women the minute that this bill is signed into law. I urge my colleagues to support Johanna's Law.●

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am proud that we are finally sending the Lifespan Respite Care Act to the President for his signature. After 4 years of bipartisan efforts, we are delivering a great victory for millions of American families providing care to a parent, child, or loved one.

Thank you to Senator SNOWE who was the first lead Republican on the legislation and has been a champion for this bill and family caregivers.

Thank you to Senator WARNER for his efforts on the bill. Your leadership will make a difference in the lives of so many American families.

I want to express my appreciation to Representatives MIKE FERGUSON as the primary sponsor of the House bill as well as Congressman LANGEVIN. We would not be on the verge of enacting this bill without their work.

Deep appreciation and thanks to the Lifespan Respite Task Force, a coalition of 180 national, state, and local organizations under the direction of the National Respite Coalition. A special thank you to Jill Kagan of the National Respite Coalition for her leadership and invaluable assistance.

Today's passage represents a tremendous win: for ailing seniors, children, and loved ones being cared for at home; for family members providing a time-consuming, emotionally exhausting, and physically demanding labor of love; for our health care system; for our values; and for decisions based on evidence, not ideology.

Each year, 44 million Americans care for an adult family member who has a chronic illness or disability. Almost 4 million Americans with developmental disabilities, of all ages, live at home with their families.

These are our friends, neighbors, coworkers, loved ones; their work represents real struggle and hardship; extraordinary acts of love and generosity that we have a duty to honor and support.

This legislation will expand and enhance access to respite care services to provide support and relief to these families providing care; to help ailing loved ones stay in their homes longer; and to control health care costs as respite care allows families to postpone or prevent expensive hospitalization and nursing care.

Today, the fastest growing illnesses in our country are chronic illnesses. And our health care system—already burdened by rising costs, aging infrastructure, a growing population of elderly, and upside-down incentives—is struggling to adapt systems designed to provide acute and immediate care.

Families have stepped into this breach. Family caregivers provide 80 percent of all long-term care in the U.S.—work that is virtually always unpaid but valued at more than \$300 billion annually. That is more than the entire amount we spent on Medicare in 2004.

Today, we are sending a message to family caregivers: through extraordinary sacrifice, in a system plagued by problems, you are part of the solution—and today, finally, Congress is part of the solution, too.

Because of their responsibilities at home, studies have shown us that it is much more difficult for caregivers to find and maintain jobs. Many caregiving families are struggling to stay afloat. The cost to businesses is estimated in the tens of billions of dollars, including the cost for employees who leave jobs due to overwhelming responsibilities at home.

This labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well-being at risk while assisting loved ones. Many caregivers are exhausted and are more prone to illness themselves. One study found that caregivers

are 51 percent more likely to experience sleeplessness and 61 percent more likely to experience depression.

Caregiving stress can even lead to marital discord and divorce.

Often, this incredible struggle—with little support despite the heroic efforts of the organizations advocating for and providing respite care—leads to more costly out-of-home placements as a family's only alternative.

Across our country quality respite care remains hard to find. Where community respite care services do exist, there are often long waiting lists. And until the Lifespan Respite Care Act, no Federal plan has focused on respite care to coordinate among disparate and fragmented services.

Now, after years of work on both sides of the aisle and between the Senate and House, we are finally going to begin meeting the growing needs of family caregivers.

Respite care provides some much needed relief—for a few hours or a few days—from the daily demands of caregiving, which are vast. And we know respite care works.

In one study, 88 percent of caregivers said that respite care allowed loved ones to remain at home.

Nearly 100 percent believed respite care made them better caregivers and helped them manage the stress of this incredible responsibility and 80 percent even said respite care helped their marriages.

This act is about real family values and it is exactly what we should be doing in this chamber—no partisanship; understanding hardships and taking steps to help; common sense solutions that put families in charge, that provide the tools to improve their own lives and honor their loved ones, that serve our health care system and our values.

Families have stepped into the breach—and now with the Lifespan Respite Care Act, Congress is sending these families a lifeline.

This legislation will expand access to respite care; improve local coordination of services; and help families find out about what is available and how to get the care they need.

This legislation will make respite services equally available to all age groups and prioritize those with special needs who do not qualify for any other respite services or who cannot find appropriate quality respite care in their communities.

It is critical that HHS ensures that the funds provided by this act are used by State agencies and ADCRs—which to date have primarily served the aging population—to serve all age groups and disability categories equally and without preference and without waiting periods or a phase in of age specific groups.

This legislation will also facilitate a coordinated approach at the Federal level. To ensure this critical component and maximize our investment, the grantees selected to implement Life-

span programs must be able to demonstrate unequivocally that they are working collaboratively at every level—with agencies in HHS that have respite resources, including the Administration on Aging, the Maternal and Child Health Bureau, other public health programs in the Health Resources and Services Administration, the Substance Abuse and Mental Health Administration, the Centers for Medicaid and Medicare, the Administration on Developmental Disabilities, and the Administration on Children and Families.

But improving the services at the local, State, and Federal levels is not enough. All family caregivers, regardless of the age, disability, or chronic condition of their loved ones, should be able to access information on how and where to find a respite provider that meets their needs and on how to pay for services. The lifespan respite program grantees will identify all the current respite funding streams in the State and assist a family in determining, their eligibility for any existing private, State or federally funded respite program. If that family does not qualify for any existing services, the lifespan respite program may use its funds to help families pay for respite. No family should struggle to obtain information on how or where to find or pay for respite care.

I thank chairman Senator ENZI for his leadership on the HELP Committee. It has been a privilege serving under him over these last several years, and I am very grateful to him for pushing forward a very positive agenda for the people of our country.

I am very proud that we are finally able to reach agreement on the Lifespan Respite Care Act and send it to the President for his signature. This has been a bipartisan effort from the very beginning. I am grateful to Senator WARNER who has made a real difference in his leadership on behalf of this bill. I am grateful to Senator SNOWE who was the first lead Republican on this legislation and has been a champion. I want to express my appreciation to Representative MIKE FERGUSON as the primary sponsor of the House bill, as well as Congressman JIM LANGEVIN. We would not be here on the verge of enacting this bill without their work.

Deep appreciation and thanks is due to the Lifespan Respite Task Force, a coalition of 180 national, State, and local organizations under the leadership and direction of the National Respite Coalition. A special thanks to Jill Kagan of the National Respite Coalition for her leadership and invaluable assistance.

As Senator ENZI said, this bill represents a tremendous acknowledgment of the families who are caring for their loved ones—for failing seniors, for children with disabilities, for a spouse who has been incapacitated by accident or chronic condition. Family members provide most of the support and the

time-consuming physical labor and the emotionally exhausting input that really makes it possible to keep people at home.

You know, each year 44 million Americans care for an adult family member who has a chronic illness or disability. Almost 4 million Americans with developmental disabilities of all ages live at home with their families. Senator COBURN and I were talking earlier today—this is such a human issue that affects the lives and the fortunes and the feelings of so many of our fellow Americans.

What this legislation does is to expand and enhance access to respite care services. What are those for? Those are to give that wife who is caring for her ailing husband a few hours off a week. Those are for that father who devotes himself to his child with a disability, to have someplace to go to get a little bit of respite while his child is still well cared for.

Family caregivers provide 80 percent of all long-term care in the United States. But as Senator COBURN and I were discussing, you don't get real financial help unless you put your loved one in a nursing home. There is something wrong with that. That doesn't reflect our deepest values. The work that our loved ones do for all of us is unpaid but valued at more than \$300 billion a year. That is more than the entire amount of money we spent on Medicare in 2004.

Today our Congress is sending a message to family caregivers: We recognize and we honor your commitment and in many instances your sacrifice. We know that because of this care many caregivers cannot keep their jobs.

It becomes too much of a burden. They struggle to stay afloat. They start selling off assets. This is a labor of love that often undermines the health of the very people who are providing it.

We found that many caregivers suffer physical symptoms, sleeplessness, depression. They feel like they are all alone.

This incredible struggle is one that we will see more and more of in our country because of our aging population. I am grateful that we are going to be passing this legislation and giving some assistance to these courageous men and women, these parents, these children, these grandparents, these spouses.

I hope, also, that in the new Congress we will address something else I talked to Senator COBURN about—that we can address this issue of caregiving, and particularly how to rearrange the incentives within our health care system, particularly through Medicaid, where 80 percent of the money is spent on 20 percent of the recipients; and that is mostly for long-term nursing care at the end of life. Many people would rather be home or rather be in a less-restrictive setting. If this is a statement of our concern, we need to follow that up.

This will provide what has been missing, improved coordination at the local level of services, helping families understand more about how to shoulder these burdens.

It is critical that Health and Human Services ensure that we serve all age groups, all disability categories, without preference, and that we begin to not just honor the love that we see and the sacrifices that are too often accompanying it but really provide some support.

I am deeply appreciative of all who have worked over the last year to make this legislation possible. I look forward to working with my colleagues on both sides of the aisle to continue to address these long-term needs and address how to help people stay at home, how to support their families who are doing the most important work there is.

The PRESIDING OFFICER. Who seeks time?

Mr. ENZI. Mr. President, I yield 8 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SNOWE. Mr. President, I thank Senator ENZI for the opportunity to speak today on this critical piece of legislation, as well as to commend the Senator from New York, Senator CLINTON, for her advocacy and leadership on this most critical issue which is paramount to millions of families across this country, and to Senator WARNER, who has also been a leading advocate and champion of this legislation. I certainly want to commend them both for making sure this legislation is coming to the forefront of the Congress in the final days and which, ultimately, will lead to its passage.

I, also, want to express my commendations to the sponsor in the House of Representatives, Congressman MIKE FERGUSON, because this is clearly a very critical issue. He understands firsthand, personally, from his own family circumstances, how important care giving and respite services are for caregivers and how it is so essential and vital to our Nation's families.

I know how important this is. In fact, I introduced the first legislation recognizing National Family Caregivers Week back in 1986. It is more than 20 years that I have been involved in such endeavors. There is no question—and it has been irrefutable across this country—about the necessity of providing more support to those who provide support to families, to ailing family members. The fact is the need is more than \$300 billion a year. We, also, know that it takes a tremendous toll on families to provide that care day in and day out.

That is why I think we do have a Federal responsibility and obligation to ensure that we can coalesce those resources that can make it easier and to mitigate the impact on those family members who are providing around-the-clock care.

When I first became involved in this issue in the House more than 20 years

ago, I took it upon myself to visit homes throughout my congressional district in the State of Maine. What I saw was incredible. I saw 80-year-olds taking care of 80-year-olds, doing the most incredible things, medically and otherwise, to provide round-the-clock care to their ailing family members. It was clear to me then that we needed to do more to provide the respite support for family members so they can have the ability to have support outside the family which is critical for them, so they can continue to keep their ailing family member at home but at the same time having the kind of care which is so essential to help them get better.

That is what this is all about. It is helping those who need our help. Certainly, to have the support of the type of facilities and services that exist in a particular community which can address their needs and who they can turn to for advice is absolutely instrumental. It, also, leads to a higher quality of life for many because they can be at home, where they can be provided home care. They can be at home and get the kind of support that otherwise would be necessary if they had been institutionalized or hospitalized.

In addition, such care can also result in substantial cost savings to the family, to the Government, and to the community, in fact.

I think it is in our national interest to provide these benefits. I think, frankly, the support of such care has been all too limited. This is long overdue. That is why I commend Senator CLINTON and Senator WARNER and some others who have given their support to this type of initiative.

We, clearly, have a Federal obligation and responsibility to focus on the kind of respite care that is so essential for allowing people to take care of their ailing family members in a home setting. It certainly eases and mitigates the impact on the Federal costs, whether it is on Medicaid or Medicare. It can save families thousands of dollars a year.

This is something that is in our national interest. I think it is also crucial that we ease the burden of this responsibility which is placed on caregivers as well. It is critical that they have access to better information on services and be able to provide it. They are heroes in every sense of the word.

We think about life expectancy today and how many years caregiving will be provided by the American family. It can be 17 years, at the minimum, for an elderly parent. I think it gives a dimension to the issue and the problems that are at stake if we fail to provide the kind of support which is necessary.

That is why I have introduced legislation, the Refundable Dependent Care Tax Credit. For example, I think we should provide the type of incentives and support to families that enables them to take care of their loved ones at home.

When I first visited homes where people were providing this kind of care, I

was absolutely astonished at the level of care these individuals were providing their family members. It occurred to me then, and it is one that has remained with me ever since, that we have to do everything conceivably possible to amass the resources and the support for these family caregivers.

When you think of the dimensions of the problem, when you think about the demographics in America and the life expectancy, it is all the more crucial that the Federal Government play a role. That is exactly what this legislation is all about. It will provide the kind of resources that are going to be important, it will provide grant support, it will increase the availability of appropriately trained respite care providers and volunteers—again, another aspect to the entire spectrum of resources I think we need to provide these families who are providing the caregiving support.

Frankly, we need to have more respite care providers. It eases the burden on these family members so they can do other things in the day, what is required in daily living, that they have the ability to know they can fall back on the type of support which will provide the continuity of care and the level of care their family members certainly deserve. I think this legislation goes a long way in providing that kind of support and eases the burden on those family members who are so devoted to their loved ones.

I think, frankly, we will have to do more. That is why, as we are looking at a tax incentive in the overall tax package, we have to give some review to the notion of having a tax credit that is refundable for providing this kind of dependent care. I think it is going to be a wave of the future, frankly, given the dimensions of this problem which is certainly lurking on the horizon.

I want to, again, commend Senator CLINTON for her leadership in making this possible and to Senator WARNER and, of course, Congressman FERGUSON, in the House, and all those who supported it—and Chairman ENZI, as well, for his leadership in making sure that the passage of this legislation will become a reality when you consider I think the enormity and the magnitude of the care and support that it will give to families who most deserve it.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I was asked to allow this bill to come up at this late hour in the Congress. This bill is going to pass. The goals of this bill are very worthy. As a practicing physician, and knowing the families whom I take care of and the family members they have, I know the burden that is placed on multitudes of people. When they do the better thing of keeping their loved ones in their own homes, in terms of quality of life, I have no argument with the intent and background of what is trying to be accomplished. But I want to make three points.

One is how this place operates. What we do at the end of the session is we try to run hundreds of bills through that very few people have thoroughly looked at, that drives all sorts of new spending, that does not get the privilege of the debate that the American people deserve on the priorities of how we spend their money. That needs to change. It is a terrible way to govern. It is inappropriate in the way we do it. It has more to do with the rules that we operate the Senate under than anything else. That ought to be changed. There is no question I am known for my desire to try to get our fiscal house in order. For example, this bill is great, but what the American people are never going to ask out of the almost \$350 million that this bill authorizes, where is the money going to come from to pay for it? What priority is going to be decreased so that priority can be increased?

We have in the Social Security account a surplus this year. We have a \$344 billion deficit. A lot of my friends would say that reflects the fact that we need to have pay-go and increase taxes. But during the last 2 years, I have held 49 hearings in the Federal Financial Subcommittee of the Committee on Governmental Affairs, where we have identified a pure \$100 billion worth of waste, fraud or duplication in this Government, and no one wants to change that. It is easy for us to come out here and spend \$300 million on a new program. But it is very hard for us to get together and do the hard work of eliminating the fraud, waste, and duplication.

There are two other programs that have money in them available for this, not the correct way, and not done as good as this bill does it. We haven't done anything in this bill to change those programs to redirect any of that money through. So now we are going to have three programs that have an impact in this area. Representative FERGUSON has done a great job of bringing this up. But unless we change the culture of how we operate, we are going to enhance what we call the birth tax. When you are born today in this country, counting the unfunded liabilities for Medicare, Medicaid, and Social Security, you are born having liabilities of \$435,000 on you the day you are born. We are adding a little bit to that. We are adding a little bit more and a little bit more.

Until we get together and say we are going to review this Government and get rid of the waste, fraud, and abuse, we are going to care as much about the person who is born today as we care about those who need some respite care, legitimate rest from the care of parents of those people they love, we will do a great disservice. We are doing a great disservice in this country.

Two weekends ago, I delivered a 9 pound 4 ounce baby to a woman whom I had delivered a baby to before. I had very well controlled her gestational diabetes. She had delivered a 9-pound

baby before that. I thought about the 2½ minutes it took me, from the time I decided I couldn't deliver a baby in a normal way for her. It took me 2½ minutes from the time of that crunch when there was no way to get a baby out, with a heartbeat of 50 beats per minute—which is about 40 percent of what it should be—we have a baby in trouble; it took me about 2½ minutes to go around and get that baby out of that momma. We saved that baby's life.

Now, the corollary is, I had warning signals. I had indications that said things aren't going right. And this body, this Congress, this Government is not paying attention to the warning signals. The baby is going to die. Our country is going to drown in debt.

The processes by which we operate include not paying attention to the waste, fraud, and abuse and not making the hard choices on priorities, not offsetting, not deauthorizing something else that is not working where there are billions of things that are not working, and adding another problem. We are adding to that.

As a Senate, we are not ill-intentioned; we just are not paying attention to the warning signs. We are not paying attention to the fetal monitor of our country and the future for the next generations. It is just as laudable to care as much about the next two or three generations that come down the road as we care for those who need our help today, except this bill doesn't do that.

This bill is going to go by voice vote—and I have allowed it; I will not even vote against it—but I wanted this time to make this statement.

What will follow this bill today is a tragedy. We are going to spend another \$17.5 billion on the tax-extender package that is getting ready to come through this place. We are going to pick up the bills mining companies owe and we are going to charge that to the rest of the people in this country. We are going to overspend on lots of things. We are not going to cut doctor's fees—and I am a doctor—but we are not going to pay for it. We are going to pay for it through gimmicks, and we are going to tell everybody that we are doing great things. In fact, we are being dishonest.

There are two cultural problems that have to change: We have to quit authorizing new programs unless we deauthorize other programs, and we have to reach across the aisle and say that we need to review everything we have, and whatever is duplicative, let's get rid of it and save these costs. If one does not work as well, put the money in the other and save the money.

Let's get rid of the fraud. We are paying out \$38 billion a year to things we should not be paying for right now, and that is an underestimate because we have only looked at 60 percent of the Government in terms of improper payments. We still have a law that is not being followed by 40 percent of the

agencies. They are not reporting their improper payments. We had a Pentagon that paid \$6 billion in the last 5 years for contractors for performance bonuses, and they did not come close to reaching the performance basis for the bonus. That is our fault. That is us. We are charged with the responsibility of doing what is necessary.

The final point I wish to make is that if we keep nibbling around the edges on health care, we are going to find ourselves in the biggest jam in the world. We have two choices: We are going to either have government-run health care or we are going to control the costs by basically allocating it at end of life and telling people what they cannot have. That is how most other countries do it. Or we will fix health care. We spend 16.3 percent of our GDP on health care, and \$2.2 trillion is what we will have spent at the end of this year. That is 16 percent of our GDP. The closest country in the world spends 11 percent of GDP on their health care, and they don't have a government-run health care program.

Fully \$1 out of every \$3 we spend on health care today does not go to help somebody get well or keep them healthy. Our prevention programs, which is the key to our success in solving our health care problems, are abysmal. They are wasteful. They are not effective. We talk about diabetes, we talk about obesity, but we are inept in any type of consensus as to where we can make a difference in prevention. We have to address that issue, and I believe this is a fix around the edge. We need a comprehensive fix and a look at health care in America. We need to do it knowing the motivation.

Most people are surprised to learn that out of that \$2.2 billion we spend on health care every year, \$152 million is spent on things that nobody needs except providers to protect themselves from lawsuits. Now, we need a good trial bar. We need to be held accountable. But it has gotten so far out of hand that we are adding to the birth tax.

I beg my colleagues and the American people who are listening to this, let's get our act together. Let's start not just authorizing, let's deauthorize before we authorize. Let's fix health care. Let's do oversight in a way that saves money for the future. If we have eliminated the waste, we have eliminated the fraud, we have eliminated the duplication in this Government, we have to go to the American people and say: Shouldn't we pay a little more taxes now rather than ask for this birth tax?

Remember, the birth tax is over \$400,000 per baby right now. Every baby I deliver, the first thing I see is a beautiful young child, and then in the back of my mind I wonder, how are you ever going to get out of this mess we have left you?

I appreciate the concern and the intent of those supporting this bill. This bill has come to the Senate in the

wrong way. This bill should have had its authorization offset. This bill does address a very real need, but there are a lot of very real needs out there that we need to do that we cannot do and we cannot fund because we are not doing our job.

Our country is at a crossroad. The fetal monitoring alarm is on. The baby's heartbeat is low. It is time to do what is necessary. The debt burden cannot be swallowed, the unfunded liabilities cannot be handled. It is up to us to change that. Let's lower that birth tax. Let's get rid of that. Let's work together to do the things we can do to lessen that impact on the generations to come.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Wyoming.

Mr. ENZI. I am not aware of anyone on our side who wishes to speak.

I thank the Senator from Oklahoma, Mr. COBURN, for his concise and important comments, the warning signs he has given. I congratulate him for the times he has already constrained spending. He mentioned the preventive care doctors take. Maybe his comments have already resulted in people taking on a little bit more regarding preventive care. There is a lot more that can and should be done. I urge Members to review his words.

I thank the Senator for the cooperation on different bills as they have gone through and made changes.

I yield back the remainder of my time.

Mr. COBURN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the third reading and passage of the bill.

The bill (H.R. 3248) was ordered to a third reading, was read the third time, and passed.

Mr. ENZI. I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MORNING BUSINESS

Mr. ENZI. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the following lineup: 10 minutes for Senator DORGAN; 15 minutes, Senator DEMINT; 10 minutes, Senator LAUTENBERG; Senator DEWINE until 3:15; Senator LINCOLN at 3:15 for 45 minutes; Senator DURBIN for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that my 15 minutes be extended to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INDIAN HEALTH CARE

Mr. DORGAN. Mr. President, I rise to talk about a piece of legislation that is not getting completed, and I will do that in a moment.

I thank my colleague from Wyoming and others for the work they have just completed with respect to the issue of family care and family support. It is a very important piece of legislation.

I listened to my colleague from Oklahoma talk about a number of important issues.

Regarding the issue of health care, clearly we have to deal with the health care issue. He mentioned the amount of money spent on health care. It is true, we spend more money per person than anybody in the world, by far. And by the way, we rank 48th in life expectancy. Yes, 48th—not 20th or 2nd but 48th in life expectancy, a country which spends far more than any other country per person in the world on health care. We have a lot to do on health care.

With respect to fiscal policy, my colleague raises an important point about things that come to the Senate—proposals, ideas—that are not paid for. He raises an important point. They should be paid for.

The largest area of that kind of expenditure, by the way, in recent years, has come at the request of the President. Nearly \$400 billion, now, is the cost for the war in Iraq, Afghanistan, and the fight against terrorism. None of it is paid for. We have sent America's sons and daughters to war, wearing America's uniform, and essentially said to them: By the way, go fight; when you come back, you can pay the bills because the President has not asked and this Congress has not had the courage to decide we ought to pay for that which we spend. That does need to change.

I noticed this morning in the Washington Post an article by a man named Samuelson, apparently an economist. I have read some of what he has said over the years. He talks about the value of the dollar slipping, decreasing, and its consequences on our country. He described all the reasons except the real reason. The real reason our dollar has decreased in value is we have an unsustainable trade deficit of \$800 billion a year, \$2 billion a day, day after day after day. That is unsustainable and will, without question, jeopardize this country's future. It will have a profound influence on the value of the dollar with respect to the value of our currency. That will have an influence on virtually everything else in this country.

So we have to get our hands around this issue of international trade and start demanding and insisting on fair trade, start deciding with our trading partners—China and other countries, Japan, South Korea, Europe—that we are not going to allow these dramatic trade imbalances to occur. They will have dramatic impact on this country's economic future. I will have more to say about that at another time.

Because there was discussion about health care in the Senate, I wanted to speak about something that isn't getting done today, and it is a real tragedy. I use the word "tragedy" because it is the right word to use about this issue.

Senator JOHN MCCAIN and I have worked as chairman and vice chairman of the Indian Affairs Committee all of this session of the Congress to try to pass a piece of legislation called the reauthorization of the Indian Health Care Improvement Act. We come to the end of the session without progress, unfortunately.

Senator MCCAIN has done great work on this issue. My other colleagues—I notice my colleague from Wyoming, who is in the Chamber—have worked with us on this issue. The Indian Health Care Improvement Act should have been done, should have been passed. We come to the end of another session of the Congress and it is not getting done. There is a reason for that. We have written legislation that is bipartisan, and day after day after day, month after month, the agencies and the administration have objected.

Let me describe what we face with respect to Indian health care. A good many American Indians, Native Americans, live in Third World conditions. I have spoken about it many times on the floor of the Senate. They live in Third World conditions inside this country. I have spoken about the grandmother who lay down in this country on a cot in a house and froze to death. It is in this country. Read that story and then ask yourself: What backward Third World country did that occur in? It occurred in this country.

The fact is, whether it is health care or housing or education, we face a bona fide crisis on Indian reservations. We have a responsibility, what is called a trust responsibility, for Indian health care. We spend twice as much per person as a country to provide health care for Federal prisoners as we do for Native Americans for whom we have a trust responsibility. They get half the support we provide to Federal prisoners for health care.

Talk to the Indian Health Service. They will not give you this number willingly, but talk to them long enough and they will tell you, finally, that 40 percent of the health care needs of Native Americans living on Indian reservations is unmet. That is health care rationing.

Now, let me describe, if I might, just the consequences of that rationing, perhaps, by telling you of some real people. We had a tribal chairman who testified before our committee who said: On our reservation it is widely known, don't get sick after June first, because after June first, there is no more contract health money. And if you get sick after June first and show up at a hospital, and your problem is not "life or limb," then you're not going to be treated, you're not going to be paid for.



So let me describe some of these things.

An 80-year-old American Indian elder, a diabetic, living on an Indian reservation, fell while tending to her garden, and she broke her leg in two places. The break was so severe there was a bone sticking out of her ankle. She went to the hospital. She was sent home with painkillers. She went to a second hospital and was told the condition was not priority 1—not priority 1: which is “life or limb”—and therefore she was not able to get care at the second hospital. She went to the third hospital—limped in—and finally received some care at the third hospital, with a bone protruding from her leg.

Now, what is “life or limb”? That is under what is called contract care. It means that if your life is not at stake, or the loss of an arm or leg is not at stake, you do not get the contract care. So don’t get sick after June.

Another American Indian with diabetes called in for a prescription drug refill for insulin, and he was told he needed to come back in and get some blood work done before he could get the insulin. It was 2 weeks before they could get him in for his blood work, so he was without insulin for 2 full weeks. As a result, this is an American Indian who will likely require dialysis for the rest of his life because he could not get his prescription for insulin filled on time.

Or a woman named Lida Bearstail. Lida told me it was all right to use her name. She went to a clinic because of knee pain. Her condition was one in which the cartilage had worn away, so it was bone on bone, enormously painful for Lida. Bones in her knee were rubbing against each other with great discomfort and great personal pain.

When that happens to one of us, to our families, to the people who work here, what is the response? You get a knee replacement—surgery, and replace the knee.

Well, what happened to Lida Bearstail? Well, she still limps. She has trouble walking. Perhaps soon she will not be able to walk. Knee surgery is not in her future because this is not about “life or limb,” it is just about unbearable, agonizing pain. Again, denied, not a priority, not “life or limb.”

Ardel Hale Baker told me I could use her story as well. A couple of months ago she had very serious chest pain and she thought she was perhaps having a heart attack. Her blood pressure was very high. Her chest pain was very intense. It wouldn’t quit. So she went to the Indian Health Service clinic. She was diagnosed as having a heart attack, and she needed to be sent immediately to the nearest major hospital. And they said: You have to go in an ambulance.

Well, Ardel Hale Baker said, while she was having this heart attack: Is there a chance I could go to the hospital in something other than an ambulance, some method other than taking an ambulance?

They asked her: Why?

She said: Well, I’m going to get billed for the ambulance, and I don’t have any money.

If you are not “priority 1,” you may end up paying the bill. Your credit rating is ruined. American Indian after American Indian discovers that: You are not a priority. Your credit rating is gone. And the credit companies come after you.

In the middle of her heart attack, she asked the question: Is there some other method besides an ambulance? Why? Because of cost.

Anyway, she arrived at the hospital. And let me tell you what happened at the hospital with Ardel Hale Baker. The nursing staff was lifting her off the gurney from the ambulance and putting her on a hospital bed, and as they lifted her off the gurney, they found something taped to her leg. This woman was having a heart attack, and they found a piece of paper taped to her leg. And here is what the paper said. It said her name: “Hale, Ardel.”

And then it said:

You have received outpatient medical services. This letter is to inform you your priority 1 care cannot be paid for due to funding issues.

So a woman is hauled into a hospital on a gurney with a heart attack and a paper attached to her leg saying: “This will not be paid for.” This kind of thing is unbelievable, and it is going on in this country with respect to American Indians for whom we have a trust responsibility for health care, and those needs are not being met.

As I indicated, Senator McCAIN and I have worked long and hard on this legislation, only to find roadblocks every—every—part of the way. The Health and Human Services agency, the Justice Department, virtually every agency continues to raise roadblocks even today.

I have come to the floor many times in this session of the Congress to talk about a young girl named Avis Littlewind. She is also a part of this legislation. Avis Littlewind was 14 years old when she killed herself. It does not sound good to say that. That is what happened to her. She laid 90 days in a bed in a fetal position, missing school, severely depressed. Then she took her life.

Avis Littlewind was a teenager, 14 years old, who apparently felt things were so hopeless, she was so helpless, that she should take her life. Her sister had taken her life 2 years prior.

Now, I went to that reservation. I met with the tribal chairman, I met with the tribal council, I met with Avis’s schoolmates, I met with the relatives, to try to understand what causes this. And it is not just Avis Littlewind. It is not just this young girl. There has been a cluster of suicides, teenage suicides, on these reservations, and none of us really want to talk about it. But if we don’t, we will not be able to address it.

Senator McCAIN and I held some hearings on this subject. The Indian

Health Care Improvement Act begins to address this, as it is addressed in some other legislation that we have moved as well.

But my point is this, there are so many challenges. Do you want to go to a place where you can find 5,000 people and one dentist working in a trailer house? Do you want to see that sort of thing? Do you want to go to health clinics that are not open at key times during the day, and long lines when they are open? Do you want to go to places where the rate of diabetes is not double, triple, quadruple, but 12 times the national average, and see the people who have lost their legs as a result of diabetes, see the people on renal dialysis? Do you want to talk to the people who drive 50, 100 miles or more to get renal dialysis?

The fact is, we have a bona fide crisis in health care on Indian reservations. We are not meeting that crisis. We have legislation that should have been passed in previous Congresses. Senator McCAIN and I have done everything humanly possible to get a piece of legislation that would get cleared to pass this Congress, and I regret to tell you, despite all the good feelings on the floor of the Senate about what is being done, frankly, I think it is a disgrace that this legislation is not being done.

People are dying. There are young children who are not getting health care who are sick and need health care. There are elders with bones sticking out of their legs who are told health care is not available to them. There are women showing up on gurneys in hospitals with paper taped to their legs saying: “This woman is not eligible for funding for health care.”

That ought to shame every American that it is happening. And we can do something about it by passing legislation called the Indian Health Care Improvement Act. We are not asking for everything here. We are just asking for the right thing.

Senator McCAIN and I have worked for a long while, and if I sound frustrated, it is because this is not just some other piece of legislation. This will mean that some people will die because we have not fixed the health care system, and we have not addressed these needs. We should not have to be reminded of this. It is our responsibility. This trust responsibility for the health care for Native Americans belongs to us, and we ought not have to be expected to be reminded of it. We ought to come to the floor of the Senate and insist on it. Instead, month after month after month, we have had objections, yes, in this Congress, I should say. We have had holds on the legislation. We have had committees that have insisted they could not move on it. We have had agencies downtown. And for dozens of reasons, we now come to the last day of the U.S. Congress in this session, and no action, and no capability, it appears to be, of making progress. And I am deeply disappointed.



I will, of course, not give up. We will be back in January. We will start again. But this is deeply disappointing to me and to others who have relied on the good will of not just those in Congress but those downtown in the Federal agencies to understand there is a crisis. This is about health care. It is about "life and limb." And when you have this kind of crisis, you have a responsibility to the children, to the elders, to others living on Indian reservations, some of whom live in Third World conditions. We should not be putting up with that. We should reach out a hand to say there is a lot of trouble in the world—and we reach out a hand to try to see if we can help in other parts of the world—there is plenty to do right here at home as well. I support reaching out to troubled spots of this world. But I believe we also have a first responsibility to reach out in this country to say to people who are living in abject and desperate poverty without health care that we are going to solve those problems, we are going to work with them.

I got interested in and involved in these issues a long time ago when I saw a picture in a paper of a young girl named Tamara. Tamara was a 3-year-old American Indian girl living on an Indian reservation, and she was placed in a foster care home. The woman who placed her in the foster care home was handling 150 cases—150 cases. She did not have the time or the capability to check what kind of home they were putting this 3-year-old girl in. The result was, they put that girl in an unsafe home.

On a Saturday night, in a drunken party, a 3-year-old girl named Tamara had her nose broken, her arm broken, and her hair pulled out by the roots—at a drunken party in a foster home that no one had checked. This 3-year-old girl suffered scars that will be with her the rest of her life.

The fact is, we understand that some of these things are happening, and we have a responsibility to do something about it. I did something about that. There is nobody on that reservation handling that many cases anymore. No social worker can do that. What that child suffered was our responsibility.

So I got involved because I saw what was going on some long while ago. And the more I have worked on these issues, the greater I see the need for us to do the right thing. Senator McCAIN feels exactly the same way, and we have worked as hard as we can work on a bipartisan basis in the Indian Affairs Committee, with the Republicans and Democrats on that committee, believing that health care is a priority, and that our responsibility to reauthorize the Indian Health Care Improvement Act is a primary responsibility.

And, again, I regret that we come to the last day of the session and find a circumstance where it is not going to be passed.

It takes no skill to oppose. I think it was Mark Twain who was once asked if

he would engage in a debate, and he said: Of course, I would be happy to engage in the debate, as long as I can take the opposing view.

They said: We haven't told you the subject of the debate.

He said: It doesn't matter what the subject is. Taking the opposing view will require no preparation.

That is how it is in this Chamber. It is how it is downtown in the agencies. It is the easiest thing in the world to oppose. It takes no preparation at all.

We come to the end of this session with enough having opposed progress on the Indian Health Care Improvement Act that this will not be done in this session of Congress. There will still be hope because we will turn to it again in January. My hope is those who have borne the responsibility of stopping this important piece of legislation will understand the consequences and decide to help us rather than hinder us as we try again in the next session of Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— S. 4047

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 664, S. 4047. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, we have a number of objections on our side. On behalf of at least five Members in this caucus, I will be constrained to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to speak a moment on the bill, if I may.

The Maritime Transportation Security Act requires the Transportation Security Agency to develop a biometric security card for port workers that would be used to limit access to sensitive areas within a seaport. To satisfy this law, TSA is developing a transportation worker identification credential—we call it TWIC—card. The law requires that the Secretary issue this card to an individual requesting it, unless he determines that the individual poses a terrorism security risk

or if they have been convicted of treason, terrorism, sedition, or espionage.

To fulfill this requirement of the Maritime Transportation Security Act, the Department of Homeland Security has drafted regulations that bar certain criminals from receiving these transportation worker identification credentials. Specifically, the Department of Homeland Security proposed regulations that would permanently bar from our ports criminals convicted of espionage, sedition, treason, terrorism, crimes involving transportation security, improper transport of hazardous material, unlawful use of an explosive device, murder, violations of the RICO Act where one of the above crimes is a predicate act, and conspiracy to commit any of these crimes.

It would also bar recent felons, those convicted within the last 7 years, or incarcerated in the last 5 years, from working in secure areas of U.S. ports, if they have been convicted of any of these felonies: assault with intent to murder, kidnapping or hostage taking, rape or aggravated sexual abuse, unlawful use of a firearm, extortion, fraud, bribery, smuggling, immigration violations, racketeering, robbery, drug dealing, arson, or conspiracy to commit any of these crimes.

These proposed regulations were developed in consultation and coordination with the Departments of Justice and Transportation to identify individuals who have a propensity to engage in unlawful activity, activity that places our ports at risk. Further, these regulations are nearly identical to the regulations that govern those who have access to our airports and who are involved with transporting hazardous material in the United States. These prohibitions are crucial because individuals who engage in the type of unlawful activity described in the proposed regulations have a greater likelihood to engage in activity that puts American ports at risk.

Our law enforcement officials understand this risk. They understand the threat our ports face with traditional crimes, particularly organized crimes, when they work with terrorists. For example, just recently the FBI apprehended a member of the Russian mafia attempting to sell missiles to an FBI agent he thought was acting as a middleman for terrorists. Joseph Billy, Jr., the FBI's top counterterrorism official, recently commented that the FBI "is continuing to look at a nexus" between organized crime and terrorists, and that they "are looking at this very aggressively."

The threat is not only criminals working directly with terrorists, it is criminals looking the other way when a suspect container comes through the port. Joseph King, a former Customs Service agent and now a professor at the John Jay College of Criminal Justice, outlined the concern very clearly:

It's an invitation to smuggling of all kinds. Instead of bringing in 50 kilograms of heroin, what would stop them from bringing in five kilograms of plutonium?

A criminal in one of our ports may think he is just helping his buddies smuggle in drugs, but inadvertently he may be helping to smuggle a weapon of mass destruction into the United States.

Earlier this year I offered an amendment to address this threat and ensure that serious felons are kept out of our ports. My amendment would have codified in statute the proposed regulations. The amendment passed unanimously and was included in the Senate-passed version of the Safe Port Act. Unfortunately, behind closed doors in the conference committee this amendment was almost completely gutted. The bill went from having language which prohibited 20 serious felonies that put our ports at risk to a list of just four—felonies so rare as to make the conference report language meaningless. I was extremely dismayed to see this language was stripped. I cannot understand who would oppose language that would ban serious felons from secure areas in American ports.

The ranking member of the Commerce Committee, the Senator from Hawaii, has stated in the CONGRESSIONAL RECORD that he supported the original DeMint language. I understand the chairman of the Commerce Committee, the Senator from Alaska, also supported the DeMint language. I am at a bit of a loss to conclude who in the Senate opposed this strong homeland security provision. Today the Senator from North Dakota said several of his colleagues did, but we don't know who they are.

While there does not seem to be a Senator who is willing to admit to opposing the provision, the longshoremen's labor union is more than happy to take credit for gutting the provision. Last month the International Longshore and Warehouse Union, in their newsletter, claimed credit for killing the provision. They stated:

Congress will return after the election in a "lame duck" session and work through part of November and December. We have heard rumors that Senator DeMint is particularly angry with the [union's] successful lobbying effort to strip his anti-labor provision. He may attempt to amend another piece of legislation, so the union will stay on guard to protect its members' interests.

Apparently they have, as we have seen today by the objection to this very commonsense measure. The unions are not stopping at just fighting legislation that I am proposing here to keep serious felons out of our port workforce. They are gearing up to mount a legal battle against the proposed regulations as well.

In response to a Wall Street Journal editorial on the subject, the union stated that the proposed regulations were "double jeopardy" and "unconstitutional." This is a clear indication that they have a legal challenge in mind. It seems clear now that once the regulations become final, they are going to take the Department of Homeland Security to court and that the proposed regulations are going to be bogged

down in lengthy legal battles likely for years.

The consequence will be that as we continue to fight this global war on terror, America's ports will be staffed by serious felons. Some may be tempted to come to the defense of the longshoremen with various so-called concerns: These individuals have paid their debt to society; barring these individuals is going to gut our port workforce; or that the crimes listed are somehow not related to homeland security.

These concerns are plain wrong. I don't disagree that convicted felons should be given a second chance. I hope they get back on their feet and become productive members of their communities. What I don't agree with is that we should give them a pass, literally and figuratively, to access the most secure areas of America's port infrastructure. When they are fresh out of prison, we should not trust them with the most vulnerable areas of our ports.

Second, I have heard that barring these individuals will empty the ranks of the port workforce. The facts don't bear this out. When the Department of Homeland Security issued nearly 350,000 ID cards for HAZMAT truck-drivers and subjected them to the same background check as I propose putting in the law, only 3,100 were disapproved, less than 1 percent. The workforce in the United States is elastic enough that we can pick up the few thousand longshoremen jobs opening up because the criminals in the port workforce had to be fired.

Finally, some are maintaining these are not serious crimes. I want someone to come down here and tell me which individuals he wants working at his local port—murderers, extortionists, drug dealers, arsonists, document forgers? I want to hear the rationale for stopping this important bill.

The list that the Transportation Security Agency came up with is a list of serious felons who represent a serious threat. It is going to keep these dangerous criminals out of our ports.

The bottom line is this: This bill applies nearly the same protections to seaports that already applies to our airports. It is a regime that has been successful. It will make our ports safer by keeping individuals who have shown a willingness to break the law out of our ports. This is very important. We can spend all the money in our treasury trying to screen cargo, and we have appropriated or approved a whole lot of money to secure our ports. But if we don't screen the people who work at our ports, we cannot expect to have effective port security. It is very unfortunate today that my Democratic colleague has taken this commonsense provision and objected to its consideration.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEMINT. That is a good thing because I had finished my talk.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Ohio is recognized for 30 minutes.

Mr. DEWINE. I thank the Chair.

## HONORING OUR ARMED FORCES

CAPTAIN SHAWN ENGLISH

Mr. DEWINE. Mr. President, I rise today to pay tribute to a brave soldier who died while serving his country in Iraq. On December 3, 2006, Army CPT Shawn English was killed when his humvee struck a roadside bomb. Captain English, who served as an Army deep sea diver, was based in Panama City Beach, FL, but news of his death reverberated in his hometown of New Albany, OH. Captain English leaves behind his wife Tricia and three sons, Nathan, Noah, and Austin. Captain English was 35 years old.

Shawn spent nearly his entire adult life in the military—first as an enlisted soldier and later as a commissioned officer. He grew up in New Albany. As a boy, he raised 4-H sheep and played football for New Albany High School, where he graduated in 1990. Shawn joined the military when he was 18 and went on to attend college at Wright State University, receiving his degree in 1999.

Shawn joined the Army after high school and by the time he deployed to the war in Iraq, he was already an experienced combat veteran. He had served his country bravely years before in the gulf war in an armored cavalry unit. He later joined a Ranger battalion before becoming a diver.

Shawn's middle school teacher Debbie Smith says that he was always energetic and a delight to have in the classroom—that he was a student with a wonderful personality. He simply loved to learn. "He was dedicated to defending our country," Debbie remembers, "and particularly making sure that children were safe."

Those closest to Shawn remember him as a family man. "He was a very loving father and a wonderful brother," said his sister Dawn. "I received an e-mail from him at around noon on the Saturday before he died," said his brother-in-law, Todd. "It was in response to the pictures of the Buckeyes game that I sent him. He was very short (in the e-mail), but said that he was tired and that things were really intense. He asked that I pray for him."

Shawn's father-in-law Curt expressed his grief at learning the news of Shawn's death. "It's just so hard for us to comprehend," he said. "We're heartbroken. I could not—do not—love my own sons more than I loved that man. He was such a good man. He believed in his country and had a deep faith in God."

Shawn was in Iraq to train and lead Iraqi soldiers. He had been in-country since February 2006. As his brother-in-law said:

Shawn had the option to come home, but said he had an obligation to his men and wanted to finish what he started. . . . He

told me that when he came back that this was it. He had served 15 years and was going to look at other options to be closer with his family.

When they moved to Florida, Shawn and his wife Tricia quickly became active members of the community there. They belonged to the Woodlawn United Methodist Church, and Shawn coached youth soccer.

Shawn was able to return home to Florida on a short leave, during which he visited his son Nathan's elementary school class. During that visit, he discussed his deeply held beliefs about our country.

Shawn's father-in-law explained that "he stressed to [the students] how fortunate we are to be living in America, with the freedoms we have." In that meeting, Shawn talked about his work in Iraq and told the kids how much little things, like soccer balls, meant to the children in Iraq. The class collected soccer balls to send to the Iraqi children so that, like Shawn, they, too, could help make a positive difference in the country.

Shawn's friends loved him. Captain Nathan Surrey, one of Shawn's best friends, met him when they were both involved in Army management training in Missouri. In Captain Surrey's words:

We just clicked. We were fanatical Ohio State fans. We loved sports [and liked to talk about] our ideas on life. Our personalities were the same.

Captain Surrey also remembers what an excellent soldier Shawn was. Reflecting upon his friend's courage and dedication, he said that "you have to be in phenomenal physical shape and be pretty much fearless to be able [to be] anywhere in the world, any time." Echoing that sentiment, CPT Robert Newbauer, who served with Shawn for 6 years, said that "anything he did, or set forth to do, he was full of pride and passion."

Shawn was a dedicated soldier, but most importantly, he was a loving husband and father. His mother-in-law, Bev Daily, remembers how much his children meant to him. "Those kids idolized their dad," she said.

Shawn's family was able to see him one last time—just hours before his tragic and untimely death—when they spoke over video phone. In that conversation, Shawn joked and laughed with his sons. His family was grateful for this last opportunity to speak with him.

Shawn's life impacted so many people in so many ways. His family and friends will always remember his smile and strong sense of compassion. He served his country with courage and honor and pride—and for that, he will always be remembered.

My wife Fran and I continue to keep CPT Shawn English's family and friends in our thoughts and in our prayers.

SPECIALIST MARCO MILLER

Mr. President, I rise today to pay tribute to a brave and dedicated sol-

dier—Army Specialist Marco Miller, originally from Warren, OH. Just this past weekend, Specialist Miller was on guard duty in Baghdad, when a nearby military vehicle was hit by a mortar round. Specialist Miller was wounded by the resulting shrapnel and was transferred to a military hospital in Germany. On December 5, 2006, surrounded by family members, Marco died from his wounds. According to his mother Renee Daniels, the Army has awarded him the Purple Heart and will be promoting him to Sergeant in recognition of his bravery. Marco was 36 years old.

Marco's sister remembers that her brother loved to be active. He enjoyed sports and spent a lot of time working out in the gym. Though a star athlete in high school, he also had a passion for the arts. His mother remembers him as someone who had a lot of heart. "I am very proud of him," she said. "Very, very proud."

Marco grew up in Warren and graduated from Warren G. Harding High School in 1988, where he played baseball for the Panthers and was a running back for the football team. A serious student in high school, he always tried harder than anyone else. He attended the University of Akron and the University of Central Florida. An entrepreneur, Marco wanted to retire early, so that he could live "the good life."

Marco's close friend since before kindergarten, Mahar Hameed, said they had been playing football together since they were 8 years old. Marco was a tailback, and Mahar was a fullback. "I blocked for Marco for 10 years," he recalls. Even though Marco had moved to Florida, the two friends kept in touch throughout their adulthood. Mahar saw Marco as he was preparing to leave for Iraq. "I wouldn't say he was nervous," he said. "[Rather,] he just knew he had an obligation to fulfill. That's the kind of person Marco was. . . . I can only say he was one of the best people I ever knew."

Frank Thomas, Marco's high school football coach, remembers that Marco was extremely personable and had an infectious smile. He always worked to the best of his ability and took his goals seriously. As Coach Thomas put it, "He represented his country and family well."

On an Internet posting, one of Marco's former schoolmates remembers him as his guardian angel in school since 7th grade, even though they haven't seen each other in over 12 years. "We drifted in and out of each other's orbits through junior high and high school," he wrote. "I can't tell you how many times he magically appeared when I was in need of some support."

Marco moved to Florida in 1994, with his younger brother Demond. "We went to Florida with nothing," he recalled. "Marco was building a business." After graduating from Full Sail, a media arts college in Orlando, Marco put together a production company which did audio-

visual work, commercials, and other marketing tools for Disney and Universal Theme Parks, as well as local car and motorcycle clubs. Marco was also putting together DVDs for his Army buddies, and was hoping to combine his two careers in the future.

Marco's oldest sister remembers her brother's extraordinary sense of fun. "The last time he was home," she said, "he made sure he went to Cedar Point, so he could ride all of the rides [and] not just once. He loved the roller coasters. He loved sports cars, jet skis, and anything that was fast."

Marco's love of adventure was one of the things that made him decide to be a paratrooper when he joined the Army. Although this was his first tour in Iraq, he had served in the area during the first gulf war. His mother said that she wanted the public to know that Marco was a good son and a dedicated soldier. "He was proud to be in the military," she said.

Marco served in the military for nearly a dozen years—6 while on active duty in the early 1990s, and the last 5 as an Army Reservist. He enlisted in the Reserves after the terrorist attacks of September 11, 2001.

According to his mom:

Marco knew what he was doing. He volunteered to be in the military. He was considering signing up for another six-year term.

Tamia Michelle, Marco's daughter, was born just this past August, after he had been deployed to Iraq. Tragically, he was never able to meet her. Marco's sister Kim noted that Marco "was looking forward to being a father. He looked forward to doing all of the things that a father does with a daughter."

This has been a hard year for Marco's family. The last time they were all together was for the funeral of Marco's stepfather Anthony Daniels just this past May. Marco was helping his mother cope with the loss.

Marco's family does take some solace in knowing that he died doing what he wanted to be doing what he loved doing. They will always remember his patriotism and devotion to duty. As his brother said:

Marco lived a full life. He did everything he wanted. He traveled from the East Coast to the West and back. . . . He really lived up to his potential and lived life the way he wanted to do. He just felt that if he was going to serve his country, this was the best way for him to do it.

My wife Fran and I will keep the family of Marco Miller—his daughter Tamia Michelle, his mother Renee, his sisters Meka and Kim, his brothers Demond and Christoff, and his step-sister Carrie—in our thoughts and prayers.

STAFF SERGEANT SHAMUS O. GOARE

Mr. President, I rise today to pay tribute to Army SSG Shamus Goare from Danville, OH, who was killed on June 28, 2005, when his helicopter was shot down over Afghanistan. He was serving as the MH-47/Chinook flight engineer in the 3rd Battalion, 160th Special Operations Aviation Regiment,

based out of Hunter Army Airfield in Georgia. He was 29 years old. He leaves parents Judy and Charles and his brother Kortney.

Shamus graduated from Danville High School in Knox County in 1994. He became a flight engineer because he loved math, science, and engineering—and he excelled at all three. Shamus's father described his son as "a real quiet guy, but when he said something, you knew you really had to pay attention." His friends and family knew him to be pretty quiet unless he was talking about something he loved—such as cars and the military.

On August 1, 2005, Shamus would have celebrated 11 years in the Army as a special operations engineer. Being a member of the 160th Special Ops Aviation Regiment (Airborne) that flew Blackhawks and Chinooks, meant that Shamus took on very dangerous missions. On a special operations mission that would become his last, the Night Stalkers of the 160th were attempting to rescue Navy Seals who went missing in mountains near the Pakistani border.

Shortly before his death, Shamus had received a medal of valor for humanitarian work in Afghanistan. He was working with children, which was something his father said he loved. His eagerness to serve his community and his country was apparent when Shamus managed to trick his mother into signing the enlistment forms before he had even graduated from high school. He was 17, at the time, and according to his father, he thought "he'd get to see the world before he went to college."

Life in the military was a good fit for Shamus. It led him to a series of selfless and compassionate acts of heroism, many of which, he could not divulge to his family due to the nature of his work with the 160th's Night Stalkers. And true to their motto, Shamus never quit—even to the very end.

His father said that "Shamus really believed in what he was doing. He would always say if we don't fight over there, we'll have to fight here." His dedication to his duty would not allow him to tell his family where he was or what he was doing, but that didn't stop him from talking about home and what he would do when he got back to the United States.

One of his many hobbies was to drive around in his all-terrain vehicle. He would talk about his restoration project of a 1966 Buick Skylark a classic car that needed a new engine. Shamus also like to find time to restore old computers.

A quick study, he was mostly self-taught. His father recalls that "nobody told him how to do things—he just figured it out." Even in high school, his 40 classmates could see Shamus's analytical mind at work.

On a field trip to Wright Patterson Air Force Base near Dayton with his high school physics teacher, recalls seeing Shamus' mind at work. "He was calculating the estimated time of ar-

rival to see how it matched up to the teacher's time."

Another of Shamus's high school classmates, Missy Duncan, remembers being shocked when she found out that he had enlisted. "He was just so quiet," she said.

Stephanie Fritz, another classmate, said this about her friend:

We knew he was out of the country for the last two reunions, but we didn't know that he had done four tours over there. We're really proud of him. He was just the nicest person.

Missy and Stephanie were among the many students who paid tribute to the heroism of their fallen classmate by placing a flag display on the front lawn of Danville High School. A former history teacher of Shamus', Jim Holmes, first came up with the idea for the flag display. He talked about the display this way:

What Shamus said about us fighting over there, so we wouldn't have to fight over here, really touched me. I thought of all the men and women giving their lives so we can be free. I just thought it would be nice if we do something to [pay tribute] to them.

Helping to place the eight dozen flags that the American Legion and the local cemetery association donated, Missy said this, "Though we are all doing different things now, it's nice that we can still come together as classmates and honor one of our own."

Among Shamus's family members who came together to watch the flag display were his cousins Kim, Marsha, and Keith. Kim said that "It's so nice to see them come together and do something like this for Shamus." The pride and honor that they felt as the Danville High School alumni placed their flags in front of their school reminded the family of how Shamus had found his niche in life when he joined the military. Marsha recalled that "when Shamus would come home, he would stand so tall and so proud."

In the words of U.S. Army Chaplain Father Jim McNeely, as he remarked on Shamus's heroism:

There are two very important qualities necessary to be a hero—humility and self-sacrifice. The life of Shamus Goare embodies those two virtues, and that's why he is a hero. He was an unassuming young man. He did not seek fame and fortune. He didn't require his name to be spread in headlines, nor did he demand recognition for his achievements. His greatness lies in his quiet professionalism and love for others that drew him to military service. To him, doing his duty with excellence was satisfaction. And Shamus's duty as a soldier was to serve.

And now, it is our duty to remember and to honor Army Staff Sergeant Goare. My wife Fran and I continue to keep his family in our thoughts and prayers.

SERGEANT BRADLEY HARPER

Mr. President, this afternoon I wish to honor Marine SGT Bradley Harper, a native of Dresden, OH. Sergeant Harper was killed in Iraq on August 3, 2005, in a roadside bombing. The 25 years old sergeant was a communications specialist assigned to the Marine Re-

serve's 4th Assault Amphibian Battalion, 4th Marine Division, based out of Norfolk, VA. He is survived by his wife Kendra, his parents Steve and Janet Harper, his sister Jenny, and his brother Daniel.

Brad—as family and friends called him—grew up in Dresden, where he attended Tri-Valley High School. Brad's friends and classmates remember him as an all-around good guy who was very well liked.

According to Kyle Powell, a former classmate:

There isn't one bad thing anyone could say about Brad Harper. Everybody knew him and everybody liked him. He always had a smile on his face. He always laughed. He was never in a bad mood.

Kim Waaland, athletic director at Tri-Valley Local Schools, remembers Brad from when he played on the offensive line for the school football team. He said:

He was a solid young man. [He was] a good friend and a good teammate. He made the most of his ability. He could always be counted on. He always wanted to do the right thing.

He also remembers that Brad was always interested in learning more or doing more to make the team better. He was not surprised when he learned that Brad had decided to become a marine.

Brad joined the Marines Corps Reserve as a teenager in Ohio and then went on to earn a degree in criminal justice from Zane State College. Tom Holdren, a criminal justice instructor at Zane State, said this about Brad:

I had a number of conversations with Brad while he was at school here. He often talked about wanting to be on the right side. He wanted to fix the things that were wrong in the world. I am sure he had a brilliant career ahead of him [and that] he served with honor. He was just that kind of young man.

After earning his degree, Brad moved to Virginia Beach in January 2004 to become a police officer. At the police academy, he graduated second in his class, and his peers selected him to serve as sergeant-at-arms. This was the beginning of a career dedicated to serving and protecting others.

Rene Ball, a Virginia Beach Police Department spokesperson, describes Brad this way:

[He was a stellar candidate. He was superb in the academy. He was one of those guys who, if another recruit fell behind, he'd go back and make sure that they were all right. Everyone on the force thought he was a great guy.]

Those who worked with Brad remember him as an upbeat, eager policeman. Master Officer Harry McBrien was one of Brad's instructors during his time at the Police Academy. He said that Brad was often relied on to work with the recruits who were struggling. And, when the Academy staff tried to "stress him out a little bit," Master Officer McBrien remembers that Brad "just smiled" and kept going. He said the following about Officer Harper: Brad was an awesome guy who could handle anything. He was always smiling, had a great mood, and a positive

attitude. He was a role model for everyone else in the Academy.

Brad was upbeat before being deployed to Iraq. In an interview with *The Virginian-Pilot*, Brad said that "this is my chance to go, to do my part."

Brad's devotion to military service impressed everyone with whom he came into contact. Nick Beach, a fellow marine and friend, said that Brad was always an inspiration—someone who joined the Marines and decided to serve his country because of his caring heart. Nick said:

I think the reason there were so many junior Marines who looked up to Brad is because he was a true Marine. He led from the front and never let anyone fall behind. He would go back and give them a hand and bring them back up to the front.

Brad was dedicated to his marines and his job as a police officer, but he was also devoted to his family and friends. He loved his wife Kendra, whom Brad met while she was studying at Ohio University in Zanesville. According to Brad's sister Jenny, "Kendra was his world." They would have been celebrating their third wedding anniversary 2 weeks after Brad's death. After his passing, Kendra released the following statement about her husband:

In the eyes of those who knew and loved Brad, he is a real hero. He gave 100 percent in whatever assignment he undertook. He was proud to be a Marine and considered it an honor serving as an officer for the City of Virginia Beach 2nd Precinct Oceanfront. He will live on forever in our hearts.

Jason McBride met Brad while they were both in grade school. The two boys grew up together and both played football in high school. Jason was the best man in Brad's wedding, and there was no man better than Brad Harper in Jason's mind. While Brad was in Iraq, Jason heard from him about every 2 weeks through email. Jason received an email from Brad shortly before his death. Jason said that he was looking forward to coming home they could go out to a Buckeyes football game.

Jason said:

Brad was the best friend any guy could ever have. He would always go out of his way to help you. He'll always be my best friend and nothing will ever change that.

Brad's dedication to military service will never be forgotten. In the words of his sister:

Brad's bravery and courage, like all the others before him, will never be forgotten. He was a high achiever. Anything he ever wanted to do, he tried, and he achieved. He wanted to serve his country. He wanted to be a marine. He wanted to be a police officer. He had high hopes, and he wanted to go far.

Indeed, everyone who knew Brad misses him. Virginia Beach police officers memorialized his death by "draping the badge"—a traditional show of honor and brotherhood by police who place a black swath across their shields when a fellow officer is killed.

At Brad's funeral, MG David Bice said that Brad Harper "changed the world before our very eyes." Indeed he did.

Fran and I continue to keep the family of Marine SGT Bradley Harper in our thoughts and in our prayers.

STAFF SERGEANT CURTIS A. MITCHELL

Mr. President, I rise this afternoon to pay tribute to Army SSG Curtis Mitchell from McConnelsville, OH, who was killed on December 12, 2005, when an improvised explosive device exploded near the tank that he was commanding. He was 36 hours away from ending his second tour in Iraq while serving with the 3rd Squadron, 7th U.S. Cavalry, Company C, based at Fort Stewart, GA. He was 28 years old.

Staff Sergeant Mitchell leaves his wife Frances, his son Curtis, Jr., his stepsons Eric, Sean, and Alexander, his stepdaughter Keauna, his parents Edward and Regina, his brothers Charlie, Edward, Wayne, and William, his sisters Angie, Betsy and Regina, and his grandfather Buddy Cunningham.

Friends and family lovingly referred to Curtis as "Tony." He was born in Columbus and moved with his father and mother, just after kindergarten, to Malta, OH, in Morgan County, about 80 miles southeast of Columbus. He was a member of the Future Farmers of America at Morgan High School and went straight into the Army when he graduated in 1995.

Brian Smith of Los Angeles, CA, went to high school with Tony. He paid tribute to his road trip and FFA camp friend by saying:

He was a great guy, and I, for one, will be forever grateful for his service to America.

Martha Koon of Reynoldsburg, OH, describes her high school friend by also saying:

Curtis was a great guy. [He was] like a brother to me in high school. We shared a lot of fun times. He will be greatly missed.

Three of the Mitchell boys joined the military. Tony and Edward—known to family and friends as "Jimmy"—enlisted as marines, and William entered the Air Force. Charles said:

I worried more about Jimmy, but figured he was okay because Tony was with him.

Being stationed together, Tony and Jimmy were patrolling with the same unit in Iraq when the IED exploded that took Tony's life.

Tony Mitchell liked hunting, target shooting, fishing, playing video games, and anything at all that had to do with his children. He was a big Ohio State and Notre Dame football fan, but hadn't told his family which team he was rooting for in the 2005 Fiesta Bowl.

Tony's brother William graduated from Air Force basic training on December 9, 2005—a week before his brother's passing. He said Tony's death hasn't softened his decision to join the military. William said that "I'm going to do what my brother would have wanted me to do," which, was to stay in the military and serve his country.

William posted the following message to his late brother on an online tribute site. This is what he wrote:

You are my big brother, and I miss you. I just know that you are watching Jimmy and

me in our military career. I think about you all the time and how you inspired me to join the Air Force, because you thought about joining, but you went to the Army. I will never forget how much you loved your job, and it makes me love mine [even] more.

Tony was one of the first service-members to enter Baghdad at the start of the war and was part of the operation that killed Saddam Hussein's sons. His fellow soldiers knew him as a great leader, a great fighter, and a great man. He received a Bronze Star and a Purple Heart and was one of the most "squared-away" soldiers in his unit, according to SSG Travis Wiley, a Company C member, who served with Tony during his first tour in Iraq.

Staff Sergeant Wiley said:

Tony always knew what needed to be done. All he'd say was "I got it," and you knew the mission would be complete. He took care of everyone else. He was a joyful guy. He didn't want to see anyone mad. He'd get mad, but only for about two or three minutes.

Tony served in Bosnia, Kosovo, and Somalia, along with the two tours in Iraq. Tony planned on spending the rest of his career with the Army. He had recently signed an extension contract. Tony had been stationed for a few years at Fort Stewart, GA, where he lived with his wife of 1 year, Frances. Tony loved his family, was a good husband, and adored his young son Curtis, Jr.

Ronda Mitchell, Tony's sister, said that her brother "was a wonderful dad, son, brother, and uncle. He was always nice to people. I loved him because he was a good brother to me. He was funny and good to get along with."

Lora Thayer of Rolla, MO, paid tribute to her high school with the following message:

My heart grieves for the loss of such a wonderful and kind person. I graduated with Tony in 1995 and was a friend of his through youth group. My heart hurts, and I will never forget the wonderful person he was to all of us. He will be remembered, not just for his valiant death, but for the man he eventually became. He truly was the kind of person to put others before himself. He is a . . . hero, and I will never forget him.

No one will forget Army SSG Curtis "Tony" Mitchell. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I would also like to make another unanimous consent request that my colleague to the east from Tennessee, Senator ALEXANDER, be recognized for 15 minutes after Senator DURBIN, who will follow time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TIMBER TAX ACT

Mrs. LINCOLN. Mr. President, we are here at the end of a session, a 2-year session where many of us have worked very hard to try to come up with commonsense solutions for some age-old problems in our Nation and looking for commonsense solutions to new and different challenges that our Nation and its business leaders as well as workers face as our business models change and grow and the more complicated nature of how businesses are set up changes and grows. We have worked hard this year—I certainly have for my State—to look at how we can balance those things and how we can create a good environment for all of the good, solid, responsible corporate citizens who exist out there in this great Nation who are trying desperately to present the kind of good jobs, the good-paying jobs working Americans need to stay where they are, to live in the communities in which they grew up, and to provide for not just their children but their aging parents.

So I think as we come to the close of this session, we have all kind of gotten into a hustle and a bustle, much like any holiday season brings, where we tend to get a little overexcited about some things, yet we don't stay focused enough on what it is we really need to be doing. The working families of this country need us right now. They need us to be responsible. They need us to focus on the things that will be productive for them, productive for this country, and the companies that are working hard to produce and maintain jobs in many of our States across this great land in order to make sure that those working families can stay working, that their children can stay in school and that their future for higher education is there, and that these families can stay together and care for their aging loved ones.

So I come to the Chamber to speak about a subject which I believe is immediate and serious or certainly has immediate and serious consequences to the working people of my State. I am talking about the hemorrhaging of jobs in the forest products industry particularly.

Here to my side is really an outdated map because we have seen the loss of well over 700 jobs since June of this year in the forest products industry. But in any case, there has been a tremendous amount of loss in employee layoffs, closed saw mills and paper mills in this country. I think it really, if you take a look at this, drastically shows the hemorrhaging that is occurring and what it means to good, hard-working American families across this country.

Over the last year and a half, the State of Arkansas has lost 1,800 timber manufacturing jobs. These are good jobs. They are negotiated union jobs. They are located in our small rural towns. They are the jobs which are the foundation of these families, these American families who are the fabric

of our country, whom we come to the floor every day, day in and day out, to talk about.

But it doesn't end there. For every highly skilled, highly paid plant job that is lost, another job is lost out in the forest—not just these which are represented here but jobs including truckdrivers and foresters, the cafe along the way that supports that industry, and those people who are out working in the forest—the loggers, all of those different entities. That means about 3,600 families are not having a very merry holiday this year.

In fact, we have lost over 1,000 jobs in just the last 10 days alone. But it is going to get worse. If the Congress does not do something here, with the opportunity that has been presented to us—many of us have been working on this issue over the last 8 to 10 months. But here in the close of this session and this week, we have an opportunity to do something, to help stop the loss of these manufacturing jobs out of our country to places such as South America and Asia. I am talking about enacting the Timber Tax Act which we have talked about over this past year.

For many months, the Timber Tax Act has consistently and repeatedly been included as part of the extenders packages we talked about. For example, it was included in the Senate conferees' agreement in the pension bill, in the Reid extenders amendment, and in the Baucus extenders amendment. The bill has broad bipartisan support, with over 33 cosponsors from every part of the country. That should come as no amazement to any of us when you look at this map and realize that it is not just one region of our country that is suffering, but it is many parts of our country that are suffering.

Additionally, this provision provides relief to the entire industry across the board, from the smallest woodlot owner to some of our largest, oldest forest companies. Over 9.9 million individual tree owners will receive immediate and significant regular and minimum tax relief.

Unfortunately, we have found some concern about whether we need competition or greater competition in this industry. We come to this floor every day talking about how competition makes our Nation stronger. We talk about how competition can help us grow, not just as individuals, not just as companies, not just as a nation, but as a part of the global community. I believe that. I believe competition is a good thing. If it is done in a fair way and if people are given the opportunity to show what they are made of and to get out there and do the job they believe they are capable of doing and really compete, working together to compete in a global marketplace, I think everyone is a winner. But when we keep in artificial stopgaps or actually keep away opportunities and continue to keep an artificial circumstance which stymies the kind of competition that can make us strong,

we all end up being losers. I think that is a lot of what has occurred here. I think it is extremely shortsighted and it opens all of our similarly situated companies—all of them, whether it is the forest products industry, which has multiple different types of entities, or any of our entities—it situates them and puts them up against unbelievable scrutiny and criticism.

The timber tax provision is sound tax policy. Over the past several years, forest products companies have been under intense pressure to reduce their Federal taxes by either reorganizing as a nontaxpaying entity, or to sell their timberlands, whether they sell them to pension funds or to timber management organizations—wherever they may go to offload that part of their industry. But I want us to think a little bit more about that. We talk about being shortsighted. Think about what that means to the conservation of this country. You look at the small, family-owned timber companies that exist out there that are fighting and trying hard to keep their heads above water in an industry and in circumstances where they are put at a disadvantage. Who is most likely to be a good steward of the land? Who is most likely to go in and reforest? It is the third- or fourth-generation small business owner, the small family-owned timber company that is going to go in and take good care to be a good steward of this land. Those are the most likely ones.

Let's not put them at a disadvantage because then, all of a sudden, all of our timberland, particularly the family-owned timber company, is going to be owned by big groups, and all they want to do is go in and cut and then sell off to developers. Let's make sure we have diversity in this industry; a good, diverse, competitive industry that looks at all sides of what we are trying to protect here: family jobs, the environment, the landscape of many of our small rural States. It is very important.

As the integrated companies separate their mills from their plants and from their timber, there are obvious results: plant closures and job loss, not to mention what happens with that family-owned business that is such a good steward in the conservation of the land.

As a result of this sort of artificial, short-term tax-driven pressure, the amount of U.S. timberland held by integrated forest products companies has fallen from 50 million acres to 15 million acres. Think about that. I want my colleagues to think, when you take those kinds of lands out and put them under a bigger umbrella where nobody is going to really be able to come in and say you can't come in and clearcut that and sell it to a developer or whatever, they are more likely to wave their hand, do it, and go on.

But when you have a small family-owned business that has been there for generations, they are so much less likely to do any of that. They are going



to go back in, and with a great sense of pride and respect as well as confidence that this is going to continue to be a small family-owned business, they are going to reforest and they are going to reinvest in that forest product and that timber company.

By enacting the timber tax provision, Congress will forestall a further decline, and we will allow forest products companies to make their decisions based exclusively on sound business principles—not looking at what they have been backed into a corner to do in order to simply keep their business or to simply keep one piece of their business. They will lay off the jobs, they will break up the integrated company, and they will move on because it is easier and because it keeps them alive—as opposed to making good, sound, principled business decisions.

Without its passage, I fear the State of Arkansas will see further immediate closures and loss of jobs. I plead with my colleagues, we cannot lose this opportunity. We cannot lose this opportunity to take something that we have looked at and talked about and developed over the last 10 or so months. We have seen it in other packages, and we know how productive it can be. I hope the majority of this body will join me in seeking a collaborative effort to make sure that we do not see even what the current map would look like if this one were updated, or to think of what it may look like 5 or 10 years from now, with the incredible loss of jobs in timberland and our family-owned timber businesses. It would be devastating.

I thank my colleagues for their attention to this issue. I plead with them on behalf of the people of Arkansas, those unbelievably hard-working families who live in those rural communities, who know our forests and know how to take good care of them: Please let us work to keep those jobs and to keep those businesses going in order that we can not only save those jobs but save a way of life in parts of rural America, as well as making sure that we have the best interests of our forest lands at heart, private forests and others. I think we have a great opportunity to do it, and I hope we will act on that.

#### TRIBUTE TO J.B. HUNT

Mrs. LINCOLN. Mr. President, I come to the floor today, joining my colleague Senator PRYOR, as we pay tribute to the life of one of Arkansas's business and philanthropic giants: Mr. J.B. Hunt. The billion dollar trucking company that J.B. Hunt built can only be characterized as the very personification of the American dream, and the only thing more impressive than the trucking empire he has created is the life he led and the journey he took to get there.

I am so grateful to have known this wonderful man and to have called him my friend. From the moment you met

J.B. Hunt, you knew he was not your typical business mogul. He was much more. He was much like all of these hardworking Arkansans whom I reflect on this map.

J.B. Hunt's formal education ended when he dropped out of school at 12 years of age when, similar to many people of the Great Depression and that generation, he had to find employment to help his family survive. That is what we are talking about, we are talking about American families who are working hard to reach that dream. Here is a man who did.

Every time I was able to be around J.B. Hunt, I always knew he never forgot that challenging period of his life, and its impact helped shape the character of the man who would put in the hard work and long hours to get the job done right. When I first heard the news of his passing, I reflect on our first meeting. He asked about me, came up to me, and he said: Now, BLANCHE, who are your people anyhow? Of course that meant, Who are your relatives? Who are your parents? Where do you come from?

He immediately recalled that he had come to know my father from the time he spent personally hauling rice loads across the State of Arkansas. Mr. Hunt reminisced that those were back in the days when he had just one truck. And I thought then that not only was J.B. Hunt a man who was proud of what his company had become, but he appreciated the time and the hard work that had been required to get there. He knew more than just where his trucks traveled, he knew the people along the way. Although J.B. Hunt is considerably larger today—any of our colleagues who travel across the interstates will see a J.B. Hunt truck from Lowell, AK,—Mr. Hunt himself never changed who he was as an individual. His dedication reached well beyond his company to many philanthropic efforts that continue to greatly benefit our State of Arkansas.

True to form, J.B. Hunt dedicated much more than millions of dollars—he dedicated considerable amounts of his time. Until his death, he remained a man who was willing to put in the hard work and the long hours to do the job right—and Arkansas is a far better place as a result.

I am certainly grateful to have had his friendship and to pay tribute to the life he led so well. My thoughts and prayers and my deepest sympathies are with his family at this very difficult time, and my gratitude goes out to Mr. Hunt, who truly exemplified that it is not just the view at the top, it is truly the journey that gets you there that is worth more than anything that you could get in return.

I yield the floor for my colleague, Senator PRYOR, from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I wish to talk about the two same subject matters that the senior Senator from Ar-

kansas talked about, in that order. I do want to talk about J.B. Hunt, but first I want to talk about the timber tax.

Before I do, I ask unanimous consent for Senator DEWINE to have 1 hour to finish his remarks, after the conclusion of the remarks of the junior Senator from Tennessee, who I understand is the last speaker in this sequence this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, let me notify the staff, Senator DEWINE said he would certainly be flexible, if someone needed some time and needed to maybe cut in a little bit. He was certainly willing to work with whoever wanted to do that, but he did ask we seek unanimous consent for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE TIMBER TAX

Mr. PRYOR. Mr. President, if I may, let me talk about this timber tax issue. Clearly, forests provide a lot of jobs for many people all over this country. For Arkansas, those jobs are very important to our State's economy. But also one thing that we often forget is these forests are extremely good for our environment. They absorb carbon dioxide, they clean waterways, they provide natural habitat for all kinds of species out there, and they help keep an ecological balance in our country.

One of the great developments that has occurred in the last generation is that this country and the people in the timber industry have become much better, much more adept at managing the forests in a very good, long-term business way but also in a great way for the Nation's environment. In fact, when you look at Arkansas, the timber industry has done such a good job there that it is now the No. 2 manufacturing industry in the State.

I know that is the same in other States. There are many States that have very large timber industries, but we oftentimes take it for granted. I am looking around this room and seeing all the wood products. I am reading on one now and using one as a file folder and speaking behind one and standing on one. Often we take that for granted, but the wood products industry is very important for this country. In fact, you could say it helped build this country.

Unfortunately, now the forestry industry, the wood products industry's health is in jeopardy. They have two major problems. No. 1, with globalization, they have a lot of foreign competition. The folks I talk to in the industry, they will understand that. They are ready to meet that challenge. They understand it is a new day and it is very competitive. They are getting a lot of pressure from places such as Canada and rain forest timber and materials that are coming out of Asia and Russia, and they understand that. They are willing to fight that fight if the playing field is leveled.



But the other problem is internal. It is not from foreign competitors, it is, frankly, from the Government and it is the Tax Code and how the Tax Code works within the industry. If I can give one example, last week there was an announcement in Mountain Pine, AR. Now Mountain Pine only has about 772 people who live in the community, but there is a mill there that makes plywood. That mill just announced it is closing.

Senator LINCOLN mentioned this a few moments ago. That mill has 340 jobs. That one employer in that town of 772 hires 340 people and employs them. It is closed. It is gone. Certainly, I hope at some point in the future the community can rally and find another use for that facility. Maybe they can get someone else in the wood products industry in. Who knows. But that is a symptom of what is going on because the owner of that facility is on the wrong side of the Tax Code.

We talked about the timber tax. We have a fix that we proposed. Senator LINCOLN and many others worked very hard to try to get this done. But because they are on the wrong side of the Tax Code, they are having to close plants. Frankly, it is causing a huge strain on their bottom line.

One of the things I need to do when I am on that subject is to thank Senators DOLE, HUTCHISON, and CORNYN, who have been very helpful in cosponsoring a bill that we think will help solve this problem.

Price Waterhouse Coopers & Lybrand, in April of 2005, wrote a report, and they found that the U.S. corporate forestry tax burden is the second highest compared to seven major competitor nations. Analysis showed that the tax burden of the U.S. forestry industry is a full 16 percentage points higher than the median of their competitor nations. We understand that in this country we have more responsible foresting, we understand we have stricter environmental regulations, and we also understand that our tax burden may be a little bit higher here and there. But the unfortunate thing going on here is it is disproportional within the industry depending on how the company is organized.

Here is what I mean. If a company is a C corporation, it is taxed one way. If it is a REIT, it is taxed another way. That means the folks that are REITs have a big tax advantage over the traditional companies. This has a disproportionately difficult effect on small companies, the family-owned businesses in places such as Arkansas and Louisiana and the State of Washington and in other places where you have a lot of family-owned timber businesses, because they don't have the resources to recalibrate themselves in the form of REITs. It doesn't make sense for their business.

What has happened, given our Tax Code, is basically the Federal Government says: Look, if you want to stay in the business, you have to organize

yourself in a certain way. That is not fair.

What is happening all around this country is that these timber companies are making business decisions based on the Tax Code. We have seen this happen. We know businesses are going to adapt to the conditions they have, and one of those conditions is the Tax Code. They are always going to adjust and adapt according to that. But when they start to make decisions such as this which are so dramatic and alter their business models so much, bad things are going to happen eventually.

If you look at the real estate bubble which burst back in the 1980s, a lot of those deals in the early 1980s which were done in the real estate market were done for tax reasons. They did not make any sense in the business world, but they made a heck of a lot of sense under the Tax Code. Finally, when the Congress got around to closing some of those loopholes and simplifying the Tax Code, the bubble burst.

My concern with the forestry industry is that someday when we reconcile these problems, it is going to be too late for a lot of these companies, especially the small family-owned businesses.

This is not strictly an Arkansas problem. The latest employment figures I have from my State are that the industry employs about 43,000 people, with an annual payroll of \$1.3 billion. That is a lot of money. That is a big part of our State's economy. However, if you look around the country, they employ about 2 million workers, with an annual payroll of \$51 billion. This is not just a local problem in the State of Arkansas. Both Senators from Arkansas are here talking about it, but it is a problem for the whole country and the Nation's economy.

I ask my colleagues to support a better timber tax policy. We want a tax policy that is fair, that restores competitiveness, that provides job security for hundreds of communities and families, that benefits the environment, and which is really the best thing for the country as well as for the industry.

#### JOHNNIE BRYAN HUNT, "J.B."

Mr. PRYOR. Mr. President, Johnnie Bryan Hunt died a couple of days ago in Arkansas. I just spoke with his wife a few moments ago. As always, she was delightful, and she was very upbeat and very positive and really appreciated all the prayers and all the well-wishes she has received from Arkansas and from around the country over the last couple of days.

Yesterday, we lost a great American and a great Arkansan and a great example to us all. Johnnie Bryan Hunt was born in Cleburne County, AK, in 1927 during the Great Depression. He left school at the age of 12 and went to work for his uncle in the sawmill. We were just talking about the timber industry in our State. He went to work for his uncle in the sawmill just to help

the family get by, as many Americans did back in those days.

He served in the U.S. Army.

During his early career, he was a farmer, he was a lumber salesman, he was an auctioneer, and a truckdriver. Then he invented his own business. It was called a rice hull business. He got the rice hulls over in the eastern part of the State and trucked them over to the western part of the State to make "poultry bedding," as he called it, out of the rice hulls. That venture did not work out exactly the way he wanted it to.

His first trucking company, which he formed as part of that and shortly thereafter, failed. He lost about \$19,000 in that first venture. But like many Americans, J.B. Hunt didn't quit. He went back to the drawing board. He kept working. He knew he had the ability. He knew he had the gift of problem-solving.

A few years later, he founded the trucking company which today is the largest publicly held truckload transportation company in North America, J.B. Hunt Trucking. Even though he started with 5 trucks and 7 trailers, today he has over 16,000 employees, 11,000 trucks, and 47,000 trailers and containers. He did this with hard work, he did this with a lot of dedication and with a lot of focus.

But one thing they say about J.B. Hunt the man and the company he founded is they are smart. They use technology, they are very innovative, and they work very hard to get on the cutting edge of that industry. In fact, J.B. Hunt is really a poster child for the American success story. We know that through hard work and opportunity, things can happen for you in this country. And he is proof that can happen in a very big way.

During the course of his life, he was director of the American Trucking Association, the American Studies Institute Advisory Board, the Intermodal Transportation Institute, which he was innovative in, the University of Arkansas Campaign for the 21st Century, and the Northwest Arkansas Business Council. In addition to those boards and those industry groups on which he served, he also was extremely giving with his resources. Two of his favorite charities are the Arkansas Easter Seals and the March of Dimes.

I know he will be sorely missed in his hometown of Lowell.

People always associated Arkansas with J.B. Hunt the man and the trucking company because he really did put it on the map. He came to northwest Arkansas and ended up in northwest Arkansas before this period of exceptional growth started there. These two counties up in the northern corner of our State are two of the fastest growing counties in America. The companies that are there are companies such as Wal-Mart, Tyson Foods, J.B. Hunt, and, of course, the University of Arkansas is in that corner of the State as well.

People ask me: Is there something in the water up there? What is it about this little area of your State? Is it the great quality of life? It is the great work ethic? Yes and yes. More than anything, it is about great leadership, and J.B. Hunt was part of that great leadership. He was on the team of men and women who moved their communities forward and in many ways not only changed those communities but changed the State and changed the world.

I join Arkansans and Americans in offering my condolences and prayers to J.B. Hunt's family and his friends, including his wife Johnelle and their children Jane and Bryan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, while both of my distinguished colleagues from Arkansas are on the Senate floor, let me tell them how much I appreciate their leadership in dealing with this last item of business relative to this Congress and which is particularly important in my home State of Texas, as it is in other timber-growing regions of the United States.

As we find ourselves in global competition for jobs and work, there are certain things we need to keep our eyes on to help make America more competitive and to make sure we continue to create the jobs and opportunities which have always been the key to our prosperity. Of course, the present occupant of the chair knows that having a qualified workforce is one of the key elements of our ability to compete in a global economy, as is our tax policy and our health care system, which is a factor in the ability of American businesses to be competitive, our regulatory environment, and our civil justice or litigation system.

I wish to focus specifically on our tax policy. The fact is that in many industries our tax policy in this country makes certain aspects of our economy less than competitive. Certainly that is true when it applies to the timber tax issue.

The timber tax provision I am speaking about would lower the capital gains tax for owners of timberland, both individuals and corporate owners, but mainly it is small business community members and farmers. The great thing about this is we are not talking about a tax increase on anybody; we are talking about reducing the tax on this element of our economy, of our workforce, mainly small business owners and farmers, to help make them more competitive in a global economy.

It was my sincere hope that this provision would be included with the so-called tax extenders package that I hope is ultimately passed by the Senate today or tomorrow, but, as the Senators from Arkansas have already pointed out, I know we are all disappointed that it has not been included. I think that is a shame. My hope is that, having left this work un-

done, Congress, when we return in January, will take up this issue again and attempt to pass it.

The U.S. forestry industry and its workers are at the heart of a vibrant economy that has produced the highest living standards in the world. As the jobs report released just today indicates, job creation continues apace across this big economy here at home. But there are sectors of the economy that are struggling because of the disadvantages they have, particularly with regard to our tax policy. The forest products industry and its workers, including those in Texas and across America, are facing significant challenges which, if not overcome, will lead to reduced economic growth, lost jobs, and ultimately the decline of living standards for future generations.

Although job growth continues here at home, as we saw by today's report, it is important to highlight that American paper mills and wood product mills are permanently closing their doors, resulting in a loss of those good-paying jobs. At the same time, our foreign competitors, facing generally lower taxes, are expanding their capacity.

As has already been pointed out by the senior Senator from Arkansas, the Price Waterhouse Coopers & Lybrand report in April of 2005 examined the effect of the U.S. tax system and found that our tax rules consistently disadvantage U.S. companies and workers relative to the tax rules in most nations with which we have to compete. By reducing the cost disadvantage faced by practicing sustainable forestry here in United States, this proposal can help reverse the trend of decreasing U.S. competitiveness in the forest products industry and maintain those manufacturing jobs of U.S. workers.

Simply put, this proposal is about creating more good-paying jobs here at home, not by conferring any additional benefits on our American employers and job creators but by reducing the impediments and the obstacles that Government puts in the way to job creation and competition in the global economy.

I wish to especially express my appreciation to Senator LINCOLN, the senior Senator from Arkansas, for her strong advocacy for this issue. I look forward to working with her in our next Congress to try to do everything we can to remedy this wrong and to help make America and particularly the forest products industry more competitive in a global economy.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, the Senator from Illinois had the next 15 minutes. I don't see him. I was to follow him, but to conserve time I will go ahead and take my 15 minutes now and then ask unanimous consent he be allowed to follow me when he arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL COMPETITIVE INVESTMENT ACT

Mr. ALEXANDER. Mr. President, I salute the Senators from Arkansas and Texas on their comments about the timber tax. That is not my subject today, although I intend to talk about competitiveness, jobs, but this is something we do need to pay attention to, not just for the jobs but for conservation in our country. That was mentioned eloquently by Senator LINCOLN.

I was in Waverly, TN, in Humphreys County the other day, and people are very upset because the timber company—I guess partly because of the Tax Code—has sold thousands of acres to an organization that doesn't care anything about the forest. That organization is cutting all the trees and going about their way. The people in that county, for a long time, have enjoyed having that forest properly managed—not just the jobs; they like the jobs, as well, but they like the trees.

What we may be doing in an unanticipated way is having a tremendous negative impact upon the beauty and the forests of the United States by our tax policy even though we don't intend to do that. I am glad the Senators from Texas and Arkansas and others are interested in this issue. I would like to work with them in the new Congress to try to be of some help.

I am here today to suggest, especially to my colleagues on the other side of the aisle who will be in the majority starting next month, that we, all of us together, have a remarkable opportunity to start the new year with a truly bipartisan piece of legislation critical to the future of the United States.

Our new majority leader, who will be Senator REID, has said he would like to foster a more bipartisan atmosphere as the Senate begins its work next year. So would I. So would most Members. The best bipartisan bill I know that is ready for action in the Senate is the bill that Senator REID and Senator FRIST are cosponsors of, the National Competitiveness Investment Act.

At the end of September, our two leaders, Senator FRIST and Senator REID, the Republican and Democratic leaders, introduced this bipartisan competitiveness bill. It has the support of the chairmen and the ranking members of the Energy, Commerce, and HELP Committees and, in fact, was created by those three committees. It wasn't written by the Republicans and handed to the Democrats for approval. We wrote it together. We have worked on it for 18 months. The product is here

and ready for action. I had hoped we would be able to complete our work on this legislation before the end of the year. However, because of our current schedule, we can't.

January is just around the corner, and it will be an opportune moment because the bill is so bipartisan there is no reason in the world that it can't be chalked up as an early victory for a new bipartisan Senate.

Senator BINGAMAN has worked as hard on it as Senator DOMENICI. Senator INOUE has worked as hard on it as Senator STEVENS. Senator KENNEDY has worked as hard on it as Senator ENZI. So has Senator MIKULSKI, and so has Senator HUTCHISON. In other words, this is our product. It is ready for action.

The prospects of passing a significant piece of legislation to protect America's brain power advantage in the world are also strong in the House of Representatives. My friend and colleague, BART GORDON from Tennessee, is likely to become the new chairman of the House Science Committee. When Senator DOMENICI and Senator BINGAMAN and I and many others introduced the Augustine Report, the report of the National Academy of Sciences that detailed 20 steps we should take as a country in order to keep our brain power advantage, Congressman BART GORDON in the House of Representatives put his legislation in at the same time. He is strongly committed to this agenda, has worked as hard as anyone in the Congress, and we have all been working together for some time.

The incoming Speaker, Congresswoman PELOSI, laid out an agenda on this issue that drew heavily on the National Academies' "Gathering Storm" report, the Augustine Report I described. She even brought George Lucas to Washington to tout her agenda and told President Bush this is an area where the two parties can work together.

President Bush himself has been a leader in this area, which is enormously helpful since the President is the Nation's agenda setter. In his State of the Union Address, President Bush talked importantly about our competitive position in the world. He has seen the need for it as a President. He saw it before that as a Governor. He followed up his action with money. He put his money where his mouth was and he put significant new dollars in the budget this year to fund his American Competitiveness Initiative.

The President says: Let's do it. The House of Representatives says: Let's do it. We in the Senate have worked 18 months. At one point, we had 70 cosponsors of our competitiveness legislation: 35 Democrats, 35 Republicans. A good way to welcome the new year would be to pass the bill. We ought to be able to do it before the February recess.

This bill is about growing our economy. It is about creating the largest number of good new jobs we possibly

can. It is about recognizing we are very fortunate as a country to have just 4 to 5 percent of the people in the world, nearly 25, 26, 27 percent of all the money in the world, and that the principal factor in that has been our creative brain power advantage.

But China and India and maybe other parts of the world have realized that their brains work just like ours—sometimes they are even smarter than ours—and they are working hard to make sure that they get their share of the wealth.

This legislation is a progrowth investment that we must make if America is to set the pace in science and technology for the next generation.

In August, a group of Senators met with a number of Chinese leaders in Beijing, including the President of China, Hu Jintao, and the Chairman of the National People's Congress in China, Wu Bangguo. Just 2 months earlier, President Hu had gone to the Chinese Academy of Sciences and the Chinese Academy of Engineering to outline a 15-year plan to make China a technology leader.

In his speech, President Hu said China must "promote a huge leap forward of science and technology; we shall put strengthening independent innovation capability at the core of economic structure adjustment."

We all know that when a Chinese leader talks about a great "leap forward" it is a pretty big deal in China. This was the center of their economic policy. In our conversations with the top two leaders in China, we found when we talked about North Korea or Iran or Iraq, the area in which they were most animated was this whole idea of innovation and technology.

The Science section in the New York Times this Tuesday has a column entitled "With An Improved Particle Accelerator China Sees Golden Opportunity For Collaborative Research." China knows if it wants a larger share of the world's wealth, it needs to have a brain power advantage. That should remind us of the importance of keeping ours.

We have seen the same thing in India, in a trip by Senators to Bangalore last year, their version of our Silicon Valley, we saw that their research is cutting edge. They are creating new jobs. They understand how to improve the standard of living in the people of that great country.

The challenge facing America is about brain power and jobs. We are not about to fall over the cliff. Actually, in the last 10 years our share of the world's wealth has grown, according to the International Monetary Fund. Ten years ago we had 25 percent of all the gross domestic product in the world. Last year it was 28 percent. Yet we know we need to keep on our toes to keep our jobs.

Most of this good fortune comes from that brain power advantage an educated workforce and technological innovation. We have the finest system of

colleges and universities. That system attracts 500,000 foreign students today. Many of them are the brightest young people in the world. They are here creating good new jobs that improves our standard of living.

No country has the national research laboratories we have. We have won the most Nobel Prizes in science. We have registered the most patents. Such innovation has been responsible for as much as half of the Nation's growth in productivity—in plain English, the reason we have such a disproportionate share of the world's best paying jobs.

Yet we see what is happening—not just in China and India, but also in Finland, Singapore, Ireland, and more. They understand this, too, and are working hard to catch up, get ahead, and get their share.

That is why last year Senator BINGAMAN and I, with Senator DOMENICI's encouragement, walked down to the National Academy of Sciences not far from here and asked: What are the top 10 actions, in priority order, that Federal policymakers could take over the next decade to help the United States keep our advantage in science and technology? We figured Members of Congress probably weren't the right ones to make that list. So we asked the people who should know.

They, in turn, assembled an all-star panel of business, government, and university leaders, headed by Norm Augustine, former chairman and CEO of Lockheed Martin. The group included three Nobel Prize winners. It happened to include the President of Texas A&M who is now about to be the Secretary of Defense. We asked for 10 recommendations. They gave us 20, in priority order.

Then a bipartisan group of Senators, led by Senators BINGAMAN and DOMENICI, introduced what we call the Protecting America's Competitive Edge Act, or PACE, to implement those recommendations.

This included increasing Federal funding for basic research in the physical sciences by 10 percent a year for 10 years; doubling our investment in basic research as we recently did for medical research; providing 25,000 undergraduate scholarships and 5,000 graduate fellowships for future scientists; allowing foreign students who come here to earn a Ph.D. in the sciences to stay 1 year after graduation, and, if they find employment, to become automatically eligible for a green card; recruiting 10,000 new science and math teachers with 4-year scholarships; training 50,000 current teachers in summer institutes at national labs and universities; creating a new coordinating office to manage a centralized research infrastructure fund of at least \$500 million per year; giving American companies a bigger research and development tax credit so they will keep more good jobs here instead of moving them overseas.

As I mentioned earlier, our bill, the PACE bill, attracted 70 cosponsors: 35

Republicans, 35 Democrats. There was no other piece of legislation quite so popular that was that important in this session of Congress. We made a lot of progress since we introduced that legislation.

I mention the President's State of the Union Address and the \$5.9 billion in his budget for fiscal year 2007 for his American Competitiveness Initiative. In March, the Energy and Natural Resources Committee reported a bill with eight provisions related to energy research, as well as math and science education for students and teachers in association with the national labs. In May, the Commerce Committee reported a bill that included ideas not just from the Augustine Report but also from the excellent Council on Competitiveness and from the President's own proposals. Then the immigration bill that passed the Senate in May included three provisions to attract the brightest minds in our country. They drew from the Augustine Report. Then the Defense authorization bill that passed the Senate in June included a provision related to support for early career researchers funded by the Pentagon. The so-called tax extender bill, which has been held up, includes the research and development tax credit that was the cornerstone of both the Augustine Report and the President's initiative. It appears likely to pass before the end of this week.

Then, at the end of September, just before the Congress left town for the election, a bipartisan group of 14 Senators, led by Senator FRIST and Senator REID, our Republican and Democratic leaders, introduced the National Competitiveness Investment Act, a bill that will help America keep its brainpower advantage so we can succeed in a more competitive global economy.

The bill includes provisions from the bills that passed the Energy and Commerce Committees and adds an important education component that Senator ENZI and Senator KENNEDY took the lead on. It focuses on the areas that are important to maintaining and improving U.S. innovation in the 21st century. One, it increases research investment; two, it strengthens educational opportunities in science, technology engineering, and mathematics from elementary through graduate school.

Several sections in the bill are derived from proposals in the PACE Act, which I introduced earlier this year with Senators DOMENICI, BINGAMAN, and MIKULSKI. This is a critical effort. We face what has been called a new "flat" world where more and more countries can compete with us, and we must rise to the challenge.

That is why this bill would double funding for the National Science Foundation from approximately \$5.6 billion in fiscal year 2006 to \$11.2 billion in 2011. It sets the Department of Energy's Office of Science on a track to double its funding over 10 years, increasing from \$3.6 billion in fiscal year

2006 to over \$5.2 billion in fiscal year 2011.

It would strengthen the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the national laboratories and by increasing support for the Teacher Institutes for the 21st Century program at the National Science Foundation.

It would expand the Robert Noyce Teacher Scholarship Program at the National Science Foundation to recruit and train individuals to become math and science teachers.

It would assist States in establishing or expanding statewide specialty schools in math and science that students from across the States would be eligible to attend. Tennessee wants to do that, as they already do in North Carolina and in other States.

It would expand advanced placement and international baccalaureate programs by increasing the number of teachers who are prepared to teach these math, science, and foreign language programs. This would allow thousands of new students, who are bright enough but may come from families with low incomes, to take these outstanding college prep classes.

The Frist-Reid bill would provide grants to universities to establish programs modeled on the successful UTeach program at the University of Texas—which the current Presiding Officer knows a great deal about—where students getting a bachelor's degree in math or science can concurrently earn teaching credentials and become the new generation of math and science teachers.

And finally, it creates partnerships between national laboratories and local high-need schools to establish centers of excellence in math and science education.

The bill authorizes \$20.3 billion in new spending over 5 years. This is a significant savings over what was originally reported by the committee and what was originally included in the PACE bill.

About \$4.6 billion over 5 years in authorized funding has been cut from competitiveness bills passed by the Energy and Commerce Committees. Our friends in the White House should appreciate that, and the taxpayers will as well.

The bill avoided duplicative undergraduate scholarship programs that were proposed in earlier legislation. That was a priority of many Members of the House of Representatives. It reduced the cost of a number of other proposed and existing programs.

In the end, this is a small price to pay to secure our competitive edge. I would emphasize, this is a pro-growth investment. This creates jobs. This puts money in our pockets. That is what we are talking about when we are talking about keeping our brainpower advantage.

The potential for what this legislation could do for our country was illus-

trated in the community of Oak Ridge, TN, just this week. Oak Ridge is the home of one of the Department of Energy's national laboratories—the most important energy laboratory in the world, as a matter of fact.

Three students from Oak Ridge High School—Scott Molony, Steven Arcangeli, and Scott Horton this Monday won the team prize in the National Siemens Competition, which recognizes and rewards students willing to challenge themselves through scientific research. This is not a small honor. The winners will share a \$100,000 scholarship as encouragement to continue in math and science careers in the future. Education Secretary Margaret Spellings was on hand to present the award.

The students used supercomputers to analyze tens of thousands of genes so they could figure out how to engineer biofuel production by micro-organisms.

Because of the hard work and ingenuity of these three students, their project may one day provide a tool that could enable scientists to genetically engineer bacteria that would cost-effectively turn plant matter into bioethanol used to fuel automobiles. Their project has contributed to a growing body of research on creating micro-organisms that can produce alternative fuels. In fact, the Oak Ridge National Laboratory received a major grant to continue the research that this student project began.

Part of the reason these three students succeeded is they were able to connect with the work and expertise at the Oak Ridge National Laboratory. Their lead adviser, Dr. Nagiza F. Samatova, is a senior research scientist in the Computational Biology Institute, Computer Science and Mathematics Division, at the Oak Ridge National Laboratory.

The National Competitiveness Investment Act will give more young Americans across our country the opportunity these bright students have had. The bill provides for student internships and summer programs at national laboratories such as Oak Ridge across this country. The bill would allow more scientists such as Dr. Samatova to spend more of their time working with such bright students.

The Senate should act quickly, in January, on the National Competitiveness Investment Act. It should be a Reid-McConnell piece of legislation. It should have the support of every Member of the Senate. It would, I hope, be passed before the February recess and sent to the House of Representatives, where I know Congressman GORDON and Speaker PELOSI and Republicans and Democrats who care about this as much as we do will be coming up with their own version of competitiveness legislation.

This legislation would invest in basic scientific research and help educate the next generation of scientists. It would help us keep pace with other nations that are moving swiftly to overtake our scientific leadership. More

young people would have the opportunities these three students at Oak Ridge High School have had. There is broad bipartisan support.

I hope the new majority leader will make this one of his first initiatives in the Senate next year, just as he made it an important initiative toward the end of this session.

If America is to continue to be the global economic leader, we cannot afford to let this wait.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SCHIP SHORTFALL

Mr. DURBIN. Mr. President, it is an interesting time to close a congressional session. We are about to consider a major spending bill, hundreds of billions of dollars, and a major tax bill that will have an impact on millions of Americans and scores of interest groups and businesses. It is interesting to see what the priorities are in the closing moments. We know that there will be many groups, particularly among businesses, that will be benefited by this tax bill. But it is interesting to me that in the list of priorities, sadly, there is a group that we are ignoring. That group, of course, is the children of this country, the children who don't have health insurance.

Illinois started an ambitious program last year to make sure all kids in Illinois have health care insurance. It is surely the right thing to do. Most uninsured children with asthma never see a doctor until they are hospitalized with an acute attack. One study found that kids without health care are 25 percent more likely to miss school. Another found that one in five children without health coverage needed glasses to see the chalkboard, but they didn't have any.

It is certainly wise to give these children health insurance. One in four uninsured children uses the emergency room as their regular source of medical care. The Florida Healthy Kids Corporation reports that emergency room visits dropped 70 percent when uninsured children were given the opportunity to see a doctor in an office.

Illinois's All Kids Program is ambitious, and it is working. But we can't do it alone. In 1997, the Federal Government made its first downpayment on a program for States to help make sure children have access to health care. The State Children's Health Insurance Program, known as SCHIP, began when Congress and the White House agreed that children in America

should be able to see a doctor when they are sick, when they need to buy glasses to see the chalkboard or when they need to be protected from infectious disease. Today, 9 years later, after the first Federal payments were delivered, 10 million children in America are without health insurance.

In Illinois, we are providing basic, bare-bones health care for 122,700 low-income children through the SCHIP program. The State has to match the Federal money, but we couldn't do it without the Federal help. This year the Federal payments will run out before the bills are paid. In fact, we are told the SCHIP payment will be 60 percent of what the Federal payment needs to be to maintain the current caseload, not to expand it and bring in more uninsured children, just to cover those children who, without SCHIP, would have no health insurance.

On Tuesday morning, the package that we are considering today included a bipartisan, no-cost provision to reallocate Federal SCHIP money so that Illinois and a dozen other States would be able to provide basic health insurance coverage for the kids already in the program. Twenty-four hours later, on Wednesday morning, after negotiations took place in the middle of the night, the SCHIP provision was gone. A lot of other things remained. There are still lots of tax provisions in there for special interest groups and businesses. Some of them are worthy. Some of them I support. But it is interesting that the first casualty of negotiation turned out to be 10 million uninsured children. They were left behind. Suddenly, low-income children in at least 11 States were dropped from this tax extender package. Merry Christmas from the United States Senate and the United States House of Representatives to these poor children who, because of our inaction and refusal to acknowledge the need for this program, have decided not to fund it.

Suddenly the rug was pulled out from under 73,620 low-income kids in my State. SCHIP payments to Illinois to take care of these kids will fall short by \$150 million. We made a promise to help these kids 9 years ago. These kids are innocent children. All they are asking for is the basics—the chance to go to a doctor, a chance to get the shots they need so they can avoid serious illnesses, a chance to get the glasses they need to be good students in the classroom, just the basics. This Congress, in its efforts to adjourn, to go home and enjoy the holidays with our own children and our own families, has forgotten some kids across America who need help in the SCHIP program.

I urge my colleagues not to give up on this issue. When we start to debate this tax extender bill in the hours ahead, I hope all my colleagues from affected States will come to the floor and will call to the attention of every Member of the Senate and the House of Representatives how we have failed in meeting this priority.

I sincerely hope that if we are unable to restore these funds in these closing hours, that this will indeed be a high priority of the new Congress when it resumes its work in January of next year.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

#### THE IMPORTANCE OF SENATE RULES

Mr. REID. Mr. President, as the 109th Congress fades into memory and the 110th Congress comes into view, I want to say a few words about the importance of Senate rules. One of our finest accomplishments over the last 2 years was something that the Senate chose not to do. In May 2005, the Senate turned aside the so-called nuclear option and decided to preserve the rules of the Senate which allow for extended debate on judicial nominations.

Almost a century ago the Senate adopted rule XXII which formalized the principle of extended debate and established a balanced mechanism for limiting debate. The current version of rule XXII requires two-thirds of the Senate to cut off debate on any change in the rules and three-fifths of the Senate to cut off debate on any other question before the body. The nuclear option would have forced a change in this venerable Senate rule by the brute force of a simple majority vote.

The campaign to rewrite Senate rules was misguided from the start. It was a raw abuse of power fueled by a misreading of history. The Senate came dangerously close to adopting this plan. On the eve of the showdown vote, a courageous band of 14 Senators, 7 Democrats and 7 Republicans, came together to derail it. They agreed to vote as a block against the nuclear option in exchange for an up-or-down vote on a handful of disputed court of appeals nominees.

I feel very comfortable that had that vote occurred, this same result would have followed, but did I want to roll the dice on that? The answer is no. In the aftermath of that so-called Gang of 14 agreement, I was asked who won? I said the American people won. I am happy to report that commentators since then have also said that the American people won.

Had the nuclear option prevailed, it is almost certain that other valuable Senate traditions would soon have fallen to political expediency, raw power, simple majority vote, and we would have become another House of Representatives. Confirmation of a handful of controversial court of appeals nominees was a small price to pay for preserving the sanctity of the Senate rules for future generations.

The nuclear option was the most important issue I have worked on in my public life. Its rejection was my proudest moment as minority leader. I emerged from the episode with a renewed appreciation for the majesty of

Senate rules. As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect.

The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about. For more than 200 years, the rules of the Senate have protected the American people, and rightfully so.

The need to muster 60 votes in order to terminate Senate debate naturally frustrates the majority and oftentimes the minority. I am sure it will frustrate me when I assume the office of majority leader in a few weeks. But I recognize this requirement is a tool that serves the long-term interest of the Senate and the American people and our country.

It is often said that the laws are "the system of wise restraints that set men free." The same might be said of the Senate rules.

I will do my part as majority leader to foster respect for the rules and traditions of our great institution. I say on this floor that I love so much that I believe in the Golden Rule. I am going to treat my Republican colleagues the way that I expect to be treated. There is no "I've got you," no get even. I am going to do everything I can to preserve the traditions and rules of this institution that I love.

The PRESIDING OFFICER. The Senator from Florida.

#### THE VALUE OF FREEDOM

Mr. MARTINEZ. Mr. President, later today we will be considering the Vietnamese proposal for permanent normalized trade relations. Before consideration of that issue, I wanted to take a few moments to discuss what I believe to be the beauty of freedom and the power that just one individual can have in personifying a truly transcendent value.

Recently I had the opportunity to come to know a young woman in Orlando, FL, a constituent of mine named Liz McCausland.

She contacted my office some months ago with a seemingly simple request. She wanted to see her mother. Her mother is Thuong Nguyen Foshee. She goes by "Cuc." At the time of the request, Mrs. Foshee, a U.S. citizen, born in Vietnam, was sitting in a Vietnamese jail. She had been in that jail for some period of time and she had not been charged with a crime. She had not had the benefit of counsel. She had not been informed of the charges against her in any way, shape or form.

For several weeks immediately after her arrest, her family didn't even know where she was. This ordeal began in September 2005. She had no hope for due process. She had the need for some medical care and attention, and this went wanting for several weeks, if not

months. She finally began to have contact with the U.S. consul, and it was a 20-minute visit once a month.

At the time of her arrest, Mrs. Foshee had gone to Vietnam, her native country, as a U.S. citizen to attend a nephew's wedding. The Vietnamese Government, at some point or another, finally said she was suspected of terrorist activity. The fact is that it should not come as a surprise that the Vietnamese Government was not fond of Mrs. Foshee because she was one of those people, whom I can certainly identify with, who believes it is the right of every person, no matter where they live, to elect their leaders—something as simple as what we did on November 7 in this country, which we take for granted. There are still people around the world who are denied such a right.

The Vietnamese people today cannot elect their leaders. Cuc Foshee believes that a Vietnam that is free to elect their leadership is a Vietnam that would respect also the rights of all of its people. So because she was someone who was vocal in the Vietnamese-American community and spoke freely of her hope and wishes for her native land, she actually became an obvious target to a government that felt threatened by the voice of a common citizen who believed she should speak out.

For that, Cuc Foshee and several other Americans, in fact, were arrested, interrogated, and sent to jail, without the knowledge of when or if they would ever be released or allowed to return to the United States. Many people went to work on this problem. Today, I thank our Secretary of State, Condoleezza Rice, for her interest in this matter, and I particularly thank U.S. Ambassador to Vietnam, Michael Marine, and the staff of the U.S. State Department, and others, whether in Vietnam or in the State Department here, who worked on her case. Volunteers came to help. The law firm of Holland & Knight offered their services pro bono. In addition to that, I particularly note and thank members of my staff who worked diligently and passionately to seek the release of Mrs. Foshee. Melissa Hernandez, in my office in Florida, and John Goetchius, here in Washington, worked hand-in-glove with Mrs. Foshee's daughter, Liz McCausland, and others, to see that Mrs. Foshee came safely back to the United States. She has been returned to the United States, and it has been a wonderful blessing to her family.

We recently celebrated, in Orlando, her return home. Congressman RIC KELLER was also there, my colleague, who also step-by-step was a partner for me in seeking the release of Mrs. Foshee.

So when the permanent normal trade relations between the U.S. and Vietnam came to be considered, I objected to the legislation being considered until I was confident that Mrs. Foshee would be able to receive the kind of due

process that we expect as a matter of course, which she deserves under any observance of human rights, and until she would be back with her family in Orlando. That has now occurred.

Mrs. Foshee's freedom has allowed me to lift any objections to consideration of the PNTR status as it relates to Vietnam. While I will vote for that today, I must say that concerns remain. Vietnam's disregard for the rule of law is something that is not only troubling, but it will make normal trade relations difficult with free societies.

It would be good for the Government of Vietnam to understand that tolerance, as it relates to people's willingness to practice religion as they see fit, is important in order to join the family of nations in a full and complete way.

I appreciate the cooperation of the Government of Vietnam in allowing Mrs. Foshee to come back to America and be free. But I must suggest that, at the same time, it is hollow if it is only for Mrs. Foshee because of the pressure brought to bear her case. The right of people to freely speak, elect their leaders, and to live in a democratic system is the only way for the people of Vietnam to fulfill the promise that they have, to fulfill the promise that can come through normalized trade relations with the United States.

The people of Vietnam not only can have normal trade relations, they must live it. They will find that the rule of law will be a troubling matter if it is not observed. Whether it is foreign businesspeople traveling to Vietnam, whether it is the rule of law as it applies to contracts, it is a fundamental, essential, integral part of normal trade relations. Mrs. Foshee's hope was that others in Vietnam would have the opportunity to live in freedom such as she has tasted in America. I hope that day will come as well.

My career as a public servant has been irrevocably influenced by this experience. I believe I will never do anything greater than to have played a part in securing the freedom of one individual. I know what it means. I understand what it is like to live under oppression. I believe that all people, no matter where they are, are entitled to live with the dignity and the hope that comes from understanding that there is freedom and there are human rights that are observed.

Each of us owes a debt of gratitude to Mrs. Foshee for taking a stand for freedom and, in her own example, leading us to know that it has a value, even if at times a price must be paid for it.

#### REAUTHORIZING THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6344, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.



The legislative clerk read as follows:

A bill (H.R. 6344) to reauthorize the Office of National Drug Control Policy.

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6344) was ordered to a third reading, was read the third time, and passed.

#### AMENDING THE FEDERAL DEPOSIT INSURANCE ACT

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6345, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6345) to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6345) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

#### TAX EXTENDER PACKAGE

Mrs. HUTCHISON. Mr. President, I rise today to talk about the tax extender package that will be coming over from the House. It is a very important measure, one of the last items of business that probably will be passed in this session. It is such an important bill. I have to say it doesn't have everything we had hoped it would have. But the important parts that are included are very important. The sales tax deduction—the deductibility of State sales taxes—is a huge item of equity for taxpayers in our country.

As the Presiding Officer knows, there are eight States that do not have income taxes. Yet between the years of 1986 and 2004, there was an inequity. If a State chose to have State income taxes to raise its revenue, their citizens could deduct from their Federal income taxes those State income taxes. But if a State didn't have an income tax and instead raised its State revenue with State sales taxes, you could not deduct the sales taxes on your income tax. It was a huge inequity.

It is essential that in our country we have the same treatment for the people of every State regarding how they pay their State taxes. So this bill, the tax extender package, which will be voted on either tonight or tomorrow, is that equalizer. It does extend for 2 more years the sales tax deduction that would be allowed, just as State income taxes are deductible, from your Federal income tax return. We have had that opportunity for 2 years—2004 and 2005. This would have it available for 2006, this year, and next year, 2007.

The taxpayers in Texas, Alaska, Florida, Washington State, Nevada, South Dakota, Tennessee, and Wyoming would be set to have the penalty if this bill does not pass. This is something I have worked on for years. Since I came to the Senate, I have tried to equalize this inequity. Finally, in 2004, we were able to do that, and now we cannot let this equity go. There are many people who have worked to make this happen, especially the leaders of the Senate. Senator FRIST and Senator REID have been working on this, as I have, for all these years, trying to do what is right by our States, as well as the other States that are affected in this way. We won that right in 2004, and now we will be able to go forward and continue the equitable treatments of all taxpayers in our country.

The other points in the bill that I think are so important are the deduction for college tuition and fees. This can give up to \$4,000 to families who are sending children to college. That is something that makes a huge difference to the families in our country who are paying the ever-increasing college tuition rates. It has a \$250 deduction for a teacher who buys classroom supplies out of their own pockets. I know teacher after teacher in this country who has seen a child who doesn't have a workbook or who wants to enhance the quality of instruction, so the teacher buys, from her own pocketbook, the supplies that will enhance the educational opportunity. Yet the teachers have done it out of the goodness of their hearts, not because they are highly paid—because we know teachers are notoriously underpaid. It is because they care about the students and about the learning. So we have a deduction for those teachers who have done this, and that is in the bill before us in this Congress.

We will extend the research and development tax credit. That has been the lifeblood of innovation in our country. We have extended this credit 11 times since it was enacted in 1981. We know that it has helped us remain competitive, with increased competition from foreign countries, and has added American jobs because of the creativity and technological innovation that has been provided. I wish that we had a few more tax cuts.

We have an inequitable situation with timber taxes, where we have a competition with foreign countries that are subsidized. It is my priority to

work on that going forward. It is not in this bill. I wish it were. I pledge my efforts, along with many other States, to extend or to have this tax credit reenacted.

There is also a very important energy production bill that is in the tax extender package. It is a bill that passed the Senate with full support, and it will bring the cost of energy down. It is the opening of leases 181 and 181 South in the Gulf of Mexico. These are leases that will open up natural gas and oil, which will have a major impact on the cost of fuel in our country.

It is good for America. We must look to our own natural resources to stop our dependence on foreign resources for energy. If we are going to remain secure in our country, and if we are going to remain in control of our economy, we will pass this legislation that opens up these very important leases in the Gulf of Mexico.

While no bill is perfect, no bill does everything everybody wants, I am in strong support of the tax extender bill. I have heard people speak against the bill and say: How can we pass tax cuts when we have deficits? The fact of the matter is, we have higher revenue when we have tax cuts. We have had the highest revenue in the history of America since the tax cuts of 2001 and 2003. We have brought the deficit down and have cut it in half already because of the tax cuts. The stock market is hitting new highs because of the tax cuts.

I hope we will continue to extend tax cuts for hard-working Americans to make our country competitive, to keep the revenue coming in, to bring the deficit down, and to keep the healthy economy that has caused our unemployment to go down to the lowest rates we have had in the last four decades.

It is a good bill. We will work next year to increase the tax cuts, to continue the tax cuts and keep our robust economy and our low unemployment.

Mr. President, I again thank the Senator from Ohio for yielding me this time.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Ohio is recognized.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOSHUA A. RAMSEY

Mr. DeWINE. Mr. President, I rise today to pay tribute to Army PFC Joshua A. Ramsey from Defiance, OH, who died in Iraq on December 12, 2004. He was 19 years old.

Joshua leaves behind his father and stepmother Bruce and Le'Ann, his mother Joy, and his brothers Brad and Ty. He is also survived by his grandparents Robert and Margaret Ramsey and Jerry and Nancy Buckles.

Born in Norman, OK, Josh moved with his family to Ohio when he was 10 years old. He attended Ayersville Elementary School and joined the Boy

Scouts. He graduated from high school and the Four County Career Center in 2003, and joined the Army just 2 days later. He did not hesitate. He simply knew it was time to serve his country. Josh was assigned to the 95th Military Police Battalion based in Mannheim, Germany.

One of Josh's teachers at the Career Center, Tonya Fisher, remembers that "Josh was a good student and a good classmate. He worked really hard in class and was really dedicated. He knew he wanted to go into the military."

After graduating, Josh returned one August to talk to the students in the public safety class. "He gave us hugs," Tonya remembers, "and told teachers, 'Everything you said was right.'"

Josh Ramsey will be remembered for his compassion and his love of children. While serving in Iraq, his favorite job was distributing soccer balls and school supplies to the kids he met. He would often stop his humvee, just so he could get out and talk to people. He told his father Bruce that Iraqis simply wanted the same thing that we all do—just to get by and to take care of their families. And that was Josh—always reaching out to others, always building bridges.

"[Josh] loved his job," his mother Joy remembers. "I know he died doing what he wanted to do, and I find comfort in that."

Josh had a passion for cars and one car, in particular—a fully-loaded silver Grand-Am GT that he bought while home on a 2-week leave. He was going to have his brother Brad "hot-rod it up" for him. According to his stepmother Le'Ann, he couldn't wait to return home and show it off to all his friends.

Josh's parents made a car payment for him as a Christmas gift, and Josh, himself, was making double payments on it with his Army salary. He planned to have it paid off entirely in 2 years. A gasoline card for him to bring home and use to fill up his gas tank was included in one of his care packages. On Josh's weekly phone calls home, he didn't want to talk about the war all that much—he wanted to talk about his car.

Josh's grandmother Margaret said that "when it's 150 degrees, you need something to dream about and to plan for. If it helped him through the tough times, it was well worth it. We took pictures of him with his new car, so he could show his buddies."

Josh was a very family-oriented young man, and so hated to leave them. He had a special relationship with his grandparents, and his mother Joy remembers the quiet times they shared during Josh's visits home. He would go fishing and golfing. For dinner, he would ask Joy to "fry up those little brown things." These were chicken livers—one of Josh's favorite meals.

Josh always remained calm about the dangers he faced in Iraq, even when he admitted conditions were getting

rough. As he told his mother Joy, "Mom, I have one of the most dangerous jobs in the Army, but I wouldn't have it any other way." Josh also believed in his job—he believed in what he was doing. "I think we're doing some good over there, Dad," he told his father.

Josh had a bright future before him. He was interested in police work and had joined the Army partly because of the experience of working with the military police. He also talked about becoming an American history teacher.

Josh was loved by all who knew him. He had so much energy and zest for life. One friend, Christy, remembers that he drove a long way while on leave just to see her and give her a hug. And another friend, David Streeter, wrote the following in an Internet tribute to Josh:

Josh was my best friend, and I loved him like a brother. I first met him while I was in basic training and by some strange luck, we were stationed in Mannheim together, then in Iraq. Not a day goes by that I don't think about him. Rest in peace Private First Class Ramsey.

Josh's cousin, Brooke Westcott, left this message for Josh:

Josh was my cousin, and we were like brother and sister. He was always there for me when I needed him. He told me that we would go graduation and birthday shopping for me. I miss him so much and he will always be in my heart.

With his compassion and bravery, Josh truly made this world a better place. He was devoted to his country, his fellow soldiers, and his family. His mother wears his military dog chains around her neck. Her son will never be forgotten.

My wife Fran and I continue to keep the family of Josh Ramsey in our thoughts and prayers.

#### STAFF SERGEANT ZACH WOBLER TRIBUTE

Mr. President, I rise today to pay tribute to Army SSG Zachary Wobler, from Wheelersburg, OH, who died on February 6, 2005, when his dismounted patrol encountered small arms fire in Iraq. He leaves his wife Corissa, his daughter Trinity, his mother and stepfather Jeannette and Tim Poston, and his father Anthony Wobler. Zach—as his friends and family called him—was 24 years old at the time of his death.

Growing up in Ohio, Zach's parents taught him strong values—values that Zach would carry with him throughout his entire life. He was always hard-working, disciplined, and honest.

Zach, himself, once commented on how important honesty was to his family. In his words, "My father was big on honesty when I was young. That's one thing that was drilled into our family when I was young." Zach's mother Jeannette said that he never caused her a moment's worry growing up. He was so friendly—he never met a stranger. "People loved him when they met him," she recalls.

Zach graduated from Ottawa-Glandorf High School in 1998, where he played football, competed in track and

field, and was named the school's senior homecoming attendant. After graduating, Zach studied at Bowling Green University and joined the National Guard. He also took classes at Owens Community College. Zach joined the Army in 2000. As his father, said, "My son was a true soldier. He was definitely a hero, and he was admired. He was truly a great person."

Zach was very successful in the Army. He took advantage of every training opportunity available to him and quickly rose in the ranks. In 2002, he was even named Paratrooper of the Year at Fort Bragg. As his stepfather Tim said, "If Zach did any thing, he wanted to do it completely. He didn't do anything halfway."

Zach was deployed to Iraq in 2003. While serving there, there was nothing more important to him than the men under his command. He always wanted to be on the front lines, and he always cared more about his comrades' safety than his own. During his first deployment, his superiors wanted him to leave earlier than his troops, but Zach refused. As his mother said, Zach "was a natural sergeant. The men in his unit loved him. He stayed with them, and they loved hanging out with him."

Even though during his first deployment to Iraq Zach suffered a knee injury that required surgery, he decided that it was more important for him to be with his men in Iraq than any place else. And so, he returned for a second deployment. According to his mom, "Zach's men weren't going without him."

Zach was more than just an admired leader to the men he served with, however. He was also a friend and confidante. He could simply talk to anyone. Regardless of rank, they would come to him with problems—both personal and professional. According to SPC Ryan Logue, a sniper in Zach's scout team, "Zach always put his men first, and took care of our needs both professionally and personally. He was my mentor. [He was] like my older brother."

SSG Mike Beal remembers Zach's cheerful nature and constant willingness to help. He said: "I couldn't find the words to describe how I never heard Zach complain about anything or about how he was always there for his friends."

While Zach was, indeed, a committed soldier, he was also a devoted family man. According to his mother, the only thing that mattered to him more than his job was his 3-year-old daughter, Trinity. "[Zach] told me that should anything happen to him," his mom said, "He hoped that his little girl would understand when she grew up that he did it for her."

Zach had a bright future before him. His dream was to eventually work in government intelligence. Based on his success throughout life, I have no doubt he would have succeeded.

I would like to share something Zach said when talking about the challenges of facing deployment. He said:

Nobody knows 'til it comes down to it whether you are ready or not.

Well, Mr. President, Zach was ready. He always had been.

Army SSG Zachary Wobler was buried at Arlington National Cemetery. As his father said:

He wanted to be buried there, because he has other friends buried there. If it ever happened to him, he wanted to be with the people who gave their lives in all of the wars.

Zach's father also remembers the dedication with which his son served our Nation. He said:

If Zach were here today, and you asked him if he would do it again knowing what the outcome would be, he would say yes. . . . He was excellent. He was a fantastic guy. I tell you now, I miss him so badly.

Zach will never be forgotten. His wit and charm will always make his friends and loved ones smile. They will remember how one of his quips was once featured on the David Letterman Show. It was No. 3 on a list of "Top Ten Questions To Ask Yourself Before Jumping Out of a Helicopter." Zach had replied: "Am I really in that much of a hurry to get to the ground?"

Most importantly, Zach had a deep commitment to helping others. His compassion touched so many people, and his family has received an outpouring of support. As his father said, "I never realized there are so many people who cared so much."

Mr. President, we do, indeed, care.

My wife Fran and I continue to keep the family and friends of SSG Zachary Wobler in our thoughts and prayers.

SERGEANT MICHAEL C. O'NEILL

Mr. President, I rise today to pay tribute to Army SGT Michael C. O'Neill from Mansfield, OH, who died on November 21, 2004, in Germany from injuries sustained in Afghanistan, while supporting Operation Enduring Freedom. He was 22 years old. Sergeant O'Neill leaves his parents George and Holly, his brother Kevin, and his grandmother Janet.

When I think about the dedication of our men and women in uniform in their efforts to promote and protect freedom, I am reminded of something President Ronald Reagan once said:

Freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation for it comes only once to a people.

Michael O'Neill—Mike to his friends and family—rose to this challenge of establishing freedom in both Afghanistan and Iraq. He dedicated his life to the service of our Nation and embraced the chance to help others who could not help themselves.

Mike was born on May 7, 1982, in San Rafael, California. His family later moved to Mansfield, OH. In 2001, Mike graduated from Mansfield Senior High School. During high school, Mike was very active in athletics, especially soccer and cross-country. He also loved the Kentucky Derby.

After graduation, Mike joined the Army and completed his training at

Fort Benning, GA, as an infantryman. He was assigned to B Company, 3rd Battalion, 75th Ranger Regiment.

Without question, Mike O'Neill was an extraordinarily dedicated soldier. When he died, he was serving his fourth overseas deployment since he had enlisted in 2001. He had served in Iraq as part of Operation Iraqi Freedom in 2003.

Because of his honorable achievements in the Army, Michael has been awarded numerous medals—more than I can list here. But they include the Bronze Star, the Purple Heart, the Meritorious Service Medal, and the Army Achievement Medal.

Mike is deeply missed by all who knew him. They remember his blue eyes and his bright smile. Shortly after his death, several friends gathered at Todd Basilone's house to comfort each other and to remember Michael. Brett Gordon said that they were all heartbroken. In Brett's words, he owed everything to Mike.

Katie Mayo, another of Mike's former classmates, said that he had been an unbelievable person and a friend of hers since childhood.

Nick Sazdanoff is another of Mike's many, many friends. He spoke with Mike over the phone just a few weeks before his death. He recalls how dedicated he was to the service. "Mike is an outstanding soldier," he said.

Mike shared a strong bond with his friends. He, Brett Gordon, and Todd Basilone all had the same tattoo on their ankle—a tribal design. According to Brett, "My freshman year in college we did it—right after Mike got out of basic training."

Michael O'Neill's death has been a loss to his entire community. He is the second 2001 graduate from Mansfield Senior High to have died serving in either Iraq or Afghanistan. The other, SPC A.J. Vandenburg died on April 9, 2004, while deployed in Iraq. A.J.'s father Allen left Mike the following message on an Internet tribute webpage:

Mike—you are a hero and were like a son to me. I know that you and A.J. are together and have no more worries, but I wish I had you both back. Till we all meet again, Mike, we all love you. You were a true Ranger."

A loving son and brother, Mike was also dedicated to his family. His parents Holly and George will never forget the wonderful memories they have of their son, and I am honored that I was able to meet and speak with them during calling hours held for Mike. His Uncle Michael—and namesake—wrote his nephew the following message on an Internet tribute page:

Mike—I take this time during Memorial Day weekend to remember you and to say how proud I am of you. I miss you very much—even more so when I listen to a military ballad of some sort. I never got the chance to thank you and all our sons and daughters who are in service to our country. So, I'll keep you all in my thoughts and prayers. God bless you, Mike—my namesake and my nephew.

SGT Michael C. O'Neill truly embodied the Ranger Creed that reads, in part, as follows:

I accept the fact that as a Ranger, my country expects me to move further, faster and fight harder than any other soldier . . . I will shoulder more than my share of the task whatever it may be, one hundred percent and then some. . . .

Mike was an honorable soldier and an honorable man, who will live on in the hearts and minds of all those who had the privilege of knowing him. My wife Fran and I continue to keep his friends and family in our thoughts and prayers.

SERGEANT JOSEPH GARMBACK, JR.

Mr. President, I rise today to honor a fellow Ohioan—Army SGT Joseph Martin Garmback, Jr., from Cleveland. He died in service to our country on July 8, 2004, while stationed in Samara, Iraq, about 70 miles north of Baghdad, where he and the 1st Battalion, 26th Infantry's mortar platoon were halfway through a shift at an Iraqi National Guard headquarters. Sergeant Garmback was 24 years old.

Sergeant Garmback leaves his mom and dad Marylon and Joseph Garmback, Sr., his three sisters Susan, Arlene, and Christine, and his girlfriend Christiane.

Joseph was born on April 9, 1980, in Cleveland. He grew up in the same West Park neighborhood where his family went to church—where he was baptized, received his first communion, and went to Sunday school. Members of his community cherish their fond memories of the fun loving, considerate, and loyal Joey Garmback, as he was known to those closest to him.

Joey grew up with a strong conviction to serve the United States as a soldier in the Army—just as his father had. At the age of 16, Joey left high school and took on a job running parties for a catering firm owned by Bill Rini. Bill remembers Joey well and describes him as a "very kind, compassionate kid, who worked for everything he got." Bill saw Joey growing into a capable young man. Knowing of Joey's interest in the Army, Bill introduced him to his friend, SGT James Mauer, who helped Joey earn his high school diploma and enlist in the Army in May 2002.

Joey was assigned to the 1st Battalion, 26th Regiment, 1st Infantry Division out of Germany. His father had been a paratrooper, and Joey told his parents that he planned to re-enlist in jump school after finishing his first term of service. During his time in the military, SGT Garmback was an extremely decorated soldier, earning 16 medals, including the Bronze Star and Purple Heart.

But, though his medals and awards are a sign of his dedication, Joey was so much more than the ribbons and medals he earned. He was a wonderful son, friend, and brother. Joey lived the way he served—with passion, love, and a strong loyalty for those around him.

The last days Joey spent at home were happy and busy. He returned from

Germany over Christmas, and as a present, Joey's family took him to a different place every day—to the arcade, to the movies, on road trips. Joey spent his last days with his family, doing all of his favorite things.

Joey left a lasting impression on this world. Those who knew him will never forget his smile, his compassion, or his fierce dedication. One of Joey's childhood friends, Laura Weimer, wrote this note to the Garmback family:

I have known you all for many years. Joey and I grew up together, and I had the honor of watching him grow from a kid to a wonderful young man. Joey is a hero who fought bravely for our country. He will always be remembered and missed. Joey is part of who I am today, and I will always cherish him.

Indeed, SGT Garmback lives on in the hearts of his family, the friends he grew up with, and those he fought beside. SGT Owen Fulsome, one of these men, wrote the following message to Joey after his death:

Garmback—you were a good friend and an excellent soldier. We had a lot of good times in Germany. You always gave 100 percent to our squad down there, and I will never forget you. You are truly a hero and the Mortars were lucky to serve with you.

Starr Richmond grew up with Joseph and was proud to watch him become a strong and able young man. This is what Starr said about Joey:

There are no words to express how much Joe will be missed and always be loved. It is always hard to lose someone and even harder when it is your child. But, with family, friends, and love, it helps the hurt. Joe . . . did more in his time than most people his age will ever do. He was a great friend, and he became our hero. Always remember the time we had with him. Whether it was sad and you cried with him or angry and you yelled with him, especially remember the times he brought a smile to your face and made you laugh. I will always remember the fun times as kids and remember him growing into a man and fighting for our country. He will be greatly missed and loved forever. Thank you, Joe, for being my friend.

SGT Joseph Garmback, Jr., was a good man who worked hard and loved his family and his country. We will always remember him and we will always be proud of him.

My wife Fran and I continue to keep Joseph's family in our thoughts and in our prayers.

#### BRIAN WAGONER

Mr. President, I rise today to pay tribute to civilian contractor Brian Wagoner, originally from Maumee, OH, who was killed on March 3, 2005, when a roadside bomb exploded as he was escorting a convoy of engineers in Iraq. He was 30 years old.

As a civilian contractor providing security as Iraq is rebuilt, Brian played an indispensable role in preserving that nation's newly found freedoms. Brian worked for contractors who worked with the U.S. Army Corps of Engineers to destroy captured enemy munitions. Brian's job was to protect the people responsible for defusing the weapons of the insurgency. Brian was on the front lines.

On March 3rd, 2005, Brian and his colleague and friend Jimmy Riddle were accompanying a convoy of workers to an ammunition storage point in Al Ashraf, Iraq. During this convoy operation, a roadside bomb was detonated. Both Brian and Jimmy were killed instantly.

Brian's life ended in service, protecting others and keeping them out of harm's way. Reflecting on his life, family and friends remember Brian Wagoner as a man who always wanted to serve others. Growing up in Maumee, he sought responsibility. At Maumee High School, he volunteered to manage the football team. Even though he didn't play, he was a key contributor to the team. As former Maumee High football coach Hal LaFountaine remembered, "He was a real find for us. He was quiet, unassuming, and just did his job. For him to become the professional he was and the things he did, it made sense. It fit his personality. He was a team player."

After graduating from Maumee High School in 1994, Brian left Ohio for North Carolina and military service. He spent 4 years in the Army's 82nd Airborne as a member of the Air Defense Artillery unit at Fort Bragg. Near the end of his time serving in the Army, Brian married the love of his life Melissa, or "Missy" as he called her.

Brian and Missy had three beautiful children together, Bryce, Brandon, and Allyson. No matter where Brian was or what he was doing, his family remained the center of his universe.

With a young family to support, Brian left the Army and enrolled in school to become a police officer. Applying the discipline and work ethic he learned at Fort Bragg, Brian quickly worked his way from patrolman to police chief of Pinebluff, NC.

He was promoted to the top spot at just 26 years of age. As if his service in the military and work in the police force weren't enough, Brian volunteered as a firefighter in his spare time. As his wife explained, "Brian was a fearless guy. He was in the military. He was a volunteer firefighter. He was a police chief." Anywhere there was an opportunity to get involved and help others, that's where you'd find Brian. He always wanted to be where the action was.

While serving as police chief in Pinebluff, Brian was recruited by a defense contractor based in Minden, NV, that provides security for companies overseas. His expertise in law enforcement made him a prime candidate to protect workers rebuilding Iraq. Given his leadership training and as a chief of police, Brian was also well suited to train the newly constituted Iraqi police. By any measure, the job was a great fit.

Brian saw the opportunity to work in private security as the chance to give his family a better life. As Missy explained, "Most of all, Brian wanted to provide for his family. He wanted to be

able to give the children and me anything he possibly could."

Through this job, Brian would be able to secure a better future for his family, while also satisfying his desire to serve his country abroad. He accepted the offer in 2004.

Brian's assignment in Iraq was a dangerous one. His assignment was to confiscate explosives. Even though his family worried, Brian only saw opportunity, excitement, and a chance to give. When he wasn't clearing explosives, Brian gave Iraqi children clothes his own kids outgrew. That was the essence of the man—simultaneously a protector and a provider and—at all times—selfless.

Even though he was thousands of miles away, Brian kept in close contact with his loved ones. As Missy recalled, "There was not a moment that went by that he did not tell me that he loved me, missed me, or that I was beautiful." No matter the distance that separated them, Brian's heart was always with his family.

Brian's death was devastating for his family, his friends, and his community. It was not only sudden, but he was scheduled to return home from Iraq to his family in only 9 days.

A memorial service for Brian Wagoner was held at the Church of St. Andrews United Methodist in Toledo. Brian was buried in Fayetteville, NC. A flag outside of the Pinebluff, NC, town hall flew at halfstaff in honor of Brian's service as chief of police and firefighter.

Today, we honor and remember him again here on the Senate Floor. Although Brian Wagoner is gone, memories of him remain. He will be remembered as a lighthearted, humorous man, who loved NASCAR and who would take his wife to the shops of Hendrick Motorsports and Dale Earnhardt, Inc.

Brian Wagoner will be remembered as an avid outdoors man, who had a passion for people and animals. "He was always on the go, even when he was young," his father recalled. "He loved to fish, he loved to swim—he really liked to be on the go. But, even though he was very busy, he always had time for his kids."

And that is how Brian will be most vividly remembered—as a family man who put his family and their future ahead of all else. "You could tell he loved his wife and his kids," said Pinebluff Town Clerk Betty McDuffie. "The last time we spoke . . . we talked about getting together and having a cookout in March, when he got home."

Just this past November, Brian was honored by the United States Army with the Defense of Freedom Medal—the civilian equivalent of the Purple Heart. It is an award that he richly deserved. We are proud of him and his service.

My wife Fran and I continue to keep his family and friends in our thoughts and prayers. Our hearts go out to

Brian's father Jim, his mother Barbara, his brothers Jason and Christopher, and his wife Melissa and their children Bryce, Brandon, and Allyson.

#### SPECIALIST JASON LUCAS

Mr. President, I rise today to pay tribute to Army SPC Jason Lucas from London, OH, who lost his life October 13, 2006, while serving our country in Afghanistan as a part of the NATO peace keeping force. Army Specialist Lucas was killed when his vehicle was attacked by a suicide bomber. He was 24 years old.

Jason was a brave soldier, who was proud to serve. He had a warm heart and a big, infectious smile. His friends and loved ones often called him "Smiley." He leaves behind his wife Monica their two sons Zausten and Ethan, his father Bill, his mother Beth; and his sister Samantha.

Jason was born in Columbus and grew up in London. For 2 years, he lived in McEwen, TN. While there, he worked on farms and learned how to hunt deer and turkey. He was called "Cutie," because he always had girlfriends. He enjoyed playing football and basketball while growing up, but his favorite sport was always baseball. Jason graduated from London High School.

Unsure exactly what career to pursue after graduation, Jason worked in a warehouse for a time and at various other jobs. His mother recalls his interest in being a firefighter, policeman, FBI agent, or working with the Drug Enforcement Administration. But instead of pursuing these admirable careers, Jason chose to become a United States soldier. "He loved being in the Army," his high school sweetheart and wife Monica remembers. "He was the best guy. He loved being in charge."

Jason's take charge attitude led him to the position of squad leader at the Army's boot camp in Fort Polk and then again in Afghanistan. "Jason was proud of what he did," recalls his mother, Beth. While serving overseas, he had told her, "I was trained by the best, and I'm working with the best. Don't worry about me."

CPL Christopher Jackson remembers this same determined spirit. This is what he said:

His personality made training easier. He . . . wasn't afraid to stand up and take charge. When you were with him, you wanted to work for him. He didn't have to tell you to work.

Jason loved his work, and what kept him and his fellow soldiers in good spirit through the tough times was his incredible sense of humor. "Lucas was an excellent soldier, but his personality was his greatest asset," 1LT Daron Moreno said. "He knew how to live and how to make others laugh."

First Lieutenant Moreno remembers when Jason would perform his favorite impersonation, acting like a high school football coach, sticking out his gut and screaming, "What the heck is going on here? I can't believe what you are doing." First Lieutenant Moreno

said that Jason would continue "ranting and raving" as the coach and that by the end of his performance, the rest of the soldiers would be rolling over with laughter.

Indeed, Jason's enthusiasm and humor could make any day fun. His friends—Cheryl, Joe, and Chance—from Grove City, OH, remember one of these days, in particular, with Jason. Together, they wrote the following on Jason's Internet tribute webpage:

We will never forget our times we spent with Jason—especially the day at King's Island. We rode a couple rides that only Jason could talk us into. We had such a great time when we were together. Jason kept in touch after joining the service and it was always nice to hear from him. We will never forget him or what he did for our country. Our deepest sympathies go out to [his wife and children] and to the rest of Jason's family. We were so saddened to hear of the loss of Jason. It was an honor to have known him as a friend and a Hero.

Jason Lucas was more than just a funny guy—especially to his family. He was a dedicated father and loving husband, and spent as much time as he could with his family. His son Zausten, is always wanting to play Army—to be just like his daddy. According to Jason's wife, little Zausten can identify Army helicopters and planes and wants only Army clothes and toys.

Monica remembers how important it was to Jason to keep in touch with his family while abroad. "We talked to him every day—about three times if not more," she said. "He was a great daddy."

Jason was home this past summer spending time with his wife and children. He also spent time with his father Bill. "We had a lot of fun," Bill recalls. "I'm just thankful of the time I had to spend with him, especially this past July before he left."

In September, Jason left for Afghanistan for what was supposed to be his last year overseas. Jason and Monica had plans to move the family to Fort Polk, where Jason had planned to return by December. They didn't intend to settle there for long, however. "Maybe Kentucky or Tennessee," Monica recalls, would be where they intended to settle down. Together, they dreamt of moving somewhere beautiful when he was discharged.

Jason's family will miss him deeply. Monica and their sons left Jason the following message for Jason on the Internet. This is what they wrote:

Daddy, we love you with all our heart, we will never forget you.

Jason will be remembered affectionately for his commitment to his family and for his dedicated service to our country.

He was always trying to make others laugh and bring a smile to their faces. He could make everyday fun. His bright, beaming smile will never be forgotten. We will always remember him as a brave and courageous soldier.

My wife Fran and I continue to keep the family of Army SP Jason Lucas in our thoughts and prayers.

#### SERGEANT NATHANIEL S. ROCK

Mr. President, I rise today to pay tribute to Marine SGT Nathaniel Rock from Toronto, OH. Along with 5 other members of his sniper unit, Sergeant Rock was killed on August 1, 2005, while on a mission in the Al Anbar province of Iraq. He was 26 years old.

Sergeant Rock leaves his parents Adriana and Tim, his sisters Nicole and Tara, his brother Jared Rock, and his niece and nephew, Taylor and Elija.

Growing up, "Nate", as his friends and family called him, was always drawn to the military. When he was only 12 years old, he loved to eat the military pre-packaged meals that he got from his sister's Marine husband. His favorite clothes were camouflage, and "Army" was his favorite game to play.

Nate also loved to hunt and fish, and loved his mom's cooking—spaghetti, homemade soup, and cabbage rolls. He graduated from Toronto High School in 1997, and enlisted in the Marines when he was only 17. The decision wasn't a surprise to anyone who knew him. He served in the Marines for 6 years and then joined the Marine Reserves in 2003. His parents were always supportive of his decision to serve. As his father said, "It is some comfort to us that we know he was doing what he wanted—what he loved to do."

Nate was also a graduate of the Jefferson Community College Police Academy in Steubenville, OH. Michael Garcia attended the Academy with Nate and reflected upon his friend in the following message on an Internet tribute website. This is what he wrote:

I never met a man in my life who was as honest, outspoken, and courageous as Nate. He was probably the most liked person in the Academy. He was serious most of the time, but if you got on his good side and got him to laugh, he wouldn't shut up and was your best friend from that day forward. Everyone—teachers and students, alike—respected him and liked him. But, he earned his respect from us because of his abilities. We knew what he was capable of being—[and that was] a United States Marine.

After graduating from the Police Academy, Nate became a part-time policeman for the Martins Ferry Police Department, where his brother, Jared, also worked. Martins Ferry Police Chief Barry Carpenter remembers that Nate was an excellent young officer—talented, with so much potential.

"He was a young police officer who took a vested interest in everyone and especially his work," Chief Carpenter said. "He was here at every opportunity, and I especially liked him. I always saved a spot for him."

Chief Carpenter also remembers that serving in the Marines was simply Nate's dream. "It was a goal he'd always had and a goal he was able to achieve," he said. "It allowed him to serve his country."

Nate was, indeed, a proud and dedicated Marine. In a Mother's Day card that he sent to his mother, he explained his reasons for serving. This is what he wrote: "I'm sorry I'm putting

you through this, but I couldn't sit on the sidelines and watch Marines being hurt on the TV."

This was Nate. He always wanted to be involved—he always wanted to be there for his fellow Marines. That was the type of man he was.

As his father Tim said, "He was proud to be a Marine—to be serving his country. He was true to his duty and true to his men."

SGT Brian Casagrande served with Nate and the other fallen members of his unit. In a eulogy for them, he had this to say about Nate:

Nate Rock was a Marine who made his presence known wherever he was. Before the platoon left for Twenty-nine Palms, he was incorporated into my team, and I quickly came to respect him as a man and a Marine. After arriving in country, he led his own team. We soon became friends and came to know everything about each other. He will not only be missed by me and the platoon, but by his family that he constantly talked about and his fellow police officers who he served with in Martin's Ferry, Ohio.

I had the privilege of meeting Nate family and speaking with them at Nate's calling hours. He was a courageous young man—someone who valued his friendships and loved his family dearly, as they loved him.

Nate's death has been a loss to his entire community. One of his former teachers, Roy Golec, remembers Nate for the rare sense of integrity and purpose he had even as a teenager. "He could do just about anything he put his mind to," Roy said. "He had his head on straight, and he knew what he wanted to do."

Joe Neeper, Nate's neighbor, had known him all his life. According to Joe, Nate was the epitome of professionalism and loved being a Marine. He was always disciplined, committed, and ready to serve. As Joe said, "When you talked to Nate, you noticed he had the Marine Corps attitude."

In Nate's memory, the Northeast Ohio Dog Training Academy gave the Martins Ferry Police Department a new drug dog. He was named "Rock," after their fallen officer.

One of Nate's fishing companions and brothers-in-arms, John Howard, reflected on his friend in the following message:

Every time I cast my line out, I am overwhelmed with great memories of the good times Rock and I had while fishing the Potomac River. The last summer of our active service, it became a nightly ritual to throw the rods and tackle boxes into Nate truck and head down to the dock for catfishing. Even when the fish weren't biting, our stories would keep us occupied.

And Joel Andrade, who served with Nate in the Marine Corps from 1998 to 2001, said this about his fellow Marine:

Nate stood out from the rest. I remember him as a quiet, polite guy, who was respected by everyone. He was always willing to help anybody who needed help and always greeted you whenever he saw you.

The world is a better place because of Nathaniel Rock. He intuitively understood the importance of service. He loved his family. He loved his country.

He was a dedicated, committed marine, who is missed by his family, friends, comrades, and community.

My wife Fran and I continue to keep Sergeant Rock family in our thoughts and prayers.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I come to the floor with several objectives. We will be voting later tonight. We are still waiting for the bills to come over from the House.

#### TENNESSEE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, as we serve in a class of Senators, we have several roles. We wear several hats. Probably the most important one is to represent the people who elected us, and that is our constituents back home in our home States. That has been for me a real honor over the last 12 years, to serve the people of Tennessee.

In addition to that, of course, we serve America as 100 individuals representing this entire country. That is a real privilege. If you are elected to leadership, you have other responsibilities.

Twelve years ago, the people of Tennessee entrusted me with the responsibility to serve their interests in the Senate. I have done my best each and every day to meet the Volunteer State's needs and to serve the people of my home State with dignity and honor. What an honor it has been to follow in the footsteps of former Senators Howard Baker and Bill Brock. What a tremendous privilege it has been representing the interests of the people of Tennessee.

And serving along side true statesmen such as Fred Thompson and Lamar Alexander—men who have dedicated so much of their lives to the people of Tennessee—has been a remarkably rewarding experience.

When I first stood for election in 1994, I pledged to all Tennesseans that I would serve two terms in the Senate and then return to home to live under the laws I had helped enact.

I made that commitment because I believe strongly in the concept of the citizen legislator—spending years developing real world experience outside the political arena as I did in medicine and then bringing that expertise to the legislative process for a period of time . . . only to make way for the next citizen with his or her fresh perspectives and new ideas.

As the time comes to resume my private life in the Music City, I have spent countless hours reflecting on the milestones in my service to Tennessee from which I derive particular pride.

I think about accomplishments such as establishing a prescription drug benefit that provides quality, affordable coverage for more than 700,000 beneficiaries in Tennessee.

I think about the State sales tax deduction, which I hope we will soon extend for 2 more years. Enacting that

provision corrected a 15 year inequity in the Tax Code by allowing Tennesseans to deduct their State sales tax expenses from Federal income tax returns—and it resulted in additional savings of nearly \$500 in taxes for more than 530,000 families across the State.

I recall the hours spent combating methamphetamine, a drug epidemic that has plagued Tennessee and dozens of other States.

I helped develop minimum Federal standards restricting access to the ingredients that produce methamphetamine, the drug our Nation's local law enforcement officials have ranked as our greatest problem.

I also enjoyed working with other members of the Tennessee delegation to establish a statewide methamphetamine task force and develop a statewide crime tracking system—all in an effort to eradicate this devastating drug from our communities.

During my time as majority leader, we also enacted a tobacco buyout that ended an outdated quota system that hurt Tennessee's farmers by providing fair compensation that will bring a total of \$767 million to tobacco communities in the State over the next decade.

And we passed my National Park Fee Equity Act, a law that provides the Great Smoky Mountain National Park with an additional \$200,000 to \$300,000 each year by allowing the park to keep 100 percent of the user fees it collects.

I was also pleased earlier this year when the Senate confirmed the final member of a TVA board modernized by legislation I nursed through the legislative process over a 9-year period—legislation that resulted in the first African-American board member, the first west Tennessee board member, and the first chief executive officer in TVA history.

In addition, we passed legislation I authored allowing TVA to refinance its debt at lower rates, thus saving roughly \$100 million per year.

These reforms will help increase accountability and oversight at TVA, which benefits both the utility and its ratepayers.

I have also worked extensively with my colleagues on the HELP Committee to extended health care and support services to Nashville, Memphis, and other emerging metropolitan communities disproportionately affected by HIV/AIDS through reauthorization of the Ryan White CARE Act.

The CARE Act provides funding for low-income, uninsured and underinsured individuals affected by HIV/AIDS, but none of Tennessee's cities met the legislation's original criteria to receive support—a fact I knew we had to correct and one which we rightly remedied.

I have dedicated significant energy to strengthening Tennessee's research infrastructure, and bringing both the Spallation Neutron Source project and the National Leadership Computational Facility to Oak Ridge demonstrates our State's leadership in advanced science and technology.



I was also pleased to play a central role in the development of the Memphis Bioworks Foundation and the revitalization of the Central Medical District in Memphis by securing \$8.1 million for these efforts.

And to ensure that we encourage the bright young men and women of our State to pursue an education in these fields that are vital to America's competitiveness in the 21st century's global economy, I also created the SMART Grant program—a \$3.75 billion initiative that provides financial assistance to students seeking degrees in math, science, engineering, technology, and foreign languages critical to national security.

I have tried to encourage economic growth in other ways, however, working closely with communities throughout Tennessee to provide the Federal assistance that can often enable local governments to pursue opportunities that will benefit their citizens for generations.

I secured \$100 million to construct sections of Interstate 69 in Tennessee from Dyersburg to Memphis—a highway that will one day serve as an economic engine for much of West Tennessee.

When community leaders in the Chattanooga area asked for assistance with the crumbling Chickamauga Lock and Dam, a structure providing access to hundreds of miles of waterway used for economic economy in East Tennessee, I helped ensure the authorization of a new 110 ft.-by-600 ft. replacement lock.

Construction funding for the replacement structure has been successfully secured in each year since 2003, and after a long period of hard work and difficult discussion, the White House agreed to include the project in its most recent budget request.

Several years ago, violent tornados ravaged Jackson, and local leaders sought my assistance in rebuilding badly damaged neighborhoods and city infrastructure.

I was honored to secure almost \$11 million from the Department of Housing and Urban Development to rebuild public housing lost as a result of the devastating storms and an additional \$2.1 million for the city's police department to improve communications during such emergencies.

Nashville long sought a light rail system that could help alleviate the burden placed on its roadways and improve the flow of consumers into downtown—the heart of its economic marketplace.

So I went to work and eventually secured \$24.6 million in funding necessary to start and complete the Music City Star East Corridor Commuter Rail Project, which allowed Tennessee's first commuter rail passenger service to begin between the Riverfront Station in downtown Nashville and the city of Lebanon in Wilson County just 3 months ago.

And when the city of Memphis began redeveloping its riverfront, I lent my

support to the cause and secured nearly \$8.7 million for the Cobblestone Landing and Beale Street Landing projects.

To help advance this work, I facilitated an agreement that will allow the University of Memphis Cecil Humphreys School of Law to relocate to the Postal Service Front Street Station in downtown Memphis—a move that will act as a cornerstone of riverfront redevelopment and reshape the law school's future.

I have also tried at every turn to provide steadfast support for Tennessee's brave men and women in uniform as a sign of my gratitude and respect for their extraordinary efforts on behalf of our Nation.

Because they deserve only the best facilities, I secured \$32 million to construct a new headquarters facility for the Tennessee Army National Guard in Nashville and an additional \$31 million to consolidate personnel previously located in 22 different buildings into a single, state-of-the-art command headquarters for the 101st Airborne and other units at Fort Campbell.

Because they and their families deserve basic economic fairness, I helped secure passage of the Fort Campbell Tax Fairness Act, which now ensures Volunteer State residents working at Fort Campbell are spared from a State income tax like all other Tennesseans.

I could spend many hours on the Senate floor recalling the countless ways in which I have worked to meet Tennessee's needs during my 12 years as a Member of this body.

But instead, I would rather thank the people of Tennessee for the opportunity.

I will forever treasure the experience—and the many individuals I have had the privilege of befriending across our great State along the way.

Electing me to serve two terms in the Senate is the greatest honor the citizens of Tennessee could have ever given me.

No words could ever express my deep appreciation.

I look forward to returning home and continuing my efforts to repay their generosity in the years to come.

#### FULFILLING DUTY, PRESERVING LEGACY: NOMINEE CONFIRMATIONS

Mr. FRIST. Mr. President, this week, among other agenda items, the Senate considered the nomination of Robert Gates as Secretary of Defense. It puts me in mind of similar high-level nominations we considered earlier this year, and throughout the 109th Congress. Namely, Chief Justice John Roberts, Justice Samuel Alito, and a host of other judicial nominees and presidential appointees.

When I consider these nominees I am reminded of the progress we've made—the remarkable strides we've taken—to ensure continued fulfillment of our constitutional duty as United

States Senators. Whether we recognized it or not, the 109th Congress had the potential to become a pivotal turning point in our Nation's history—with repercussions reaching far into the future.

Over the past 30 years, the Senate's confirmation process has slowly but steadily deteriorated. We faced the confirmation of fewer and fewer judicial nominees. During the Carter and Reagan administrations, the Senate confirmed 9 out of 10 appeals court nominees. But in the first term of the current administration, the Senate blocked one out of every three appeals court nominees.

Those that were confirmed took longer and longer. In the Carter and Reagan administrations, the Senate took an average of about 60 days to confirm a Federal appeals court nominee. But in the first term of this administration, we took an average of nearly 300 days.

And as the judicial nominations process deteriorated, so too did the quality and civility of debates. Bitterness and acrimony seeped in, threatening to poison the Senate's legacy—and our nation's future.

The 108th Congress marked the low point. For the first time in history, a minority of Senators obstructed the principle of a fair up-or-down vote on judicial nominees. That was unprecedented. Never in 214 years of Senate history had a judicial nominee with majority support been denied an up-or-down vote.

Two years ago, I faced a decision. I could ignore the events of the 108th Congress. Through passivity, I could permit the active obstruction of Senate duties—and the active destruction of Senate traditions.

Or I could do something to halt the unchecked downward spiral. I could protect the Senate's history of fulfilling our constitutional duty. I could help restore our legacy.

At the beginning of this Congress—the 109th Congress—I made a decision. I chose to stand on principle. I came to this floor, and reminded my colleagues of the 14-word oath of office we each take: "I do solemnly affirm that I will support the Constitution of the United States."

Our first responsibility, above all else, is to do our constitutional duty. Yet in the 108th Congress, the Senate failed to perform an essential constitutional duty. It failed to offer advice and consent to the President by filibustering ten judicial nominees and threatening to filibuster another six.

So nearly 2 years ago, when the 109th Congress opened, I took a stand.

In the spirit of bipartisanship, I extended my hand across the aisle to the new Senate Democratic leadership. I held the sincere hope that we could move forward beyond the difficulties of the 108th Congress—to a future of cooperation.

I said:

If my Democratic colleagues exercise self-restraint and do not filibuster judicial nominees, Senate traditions will be restored. It

will then be unnecessary to change Senate procedures. . . . But if my Democratic colleagues continue to filibuster judicial nominees, the Senate will face this choice: Fail to do its constitutional duty or reform itself and restore its traditions, and do what the Framers intended.

And it was at that point I made it clear that if the obstruction of fulfilling our constitutional duty continued, I would enforce the constitutional option—what some of my colleagues took to calling the “nuclear” option.

The principle is simple. The U.S. Senate has a constitutional obligation of advice and consent on the President’s nominees.

To consent—or not consent. To vote yea or nay.

That is our constitutional duty.

And nothing—not party, not ideology, not politics, and not even tradition—should interfere.

That is the principle.

The nomination process is a grueling experience. Even for those nominees with impeccable credentials, a spotless record, and unassailable positions—it’s anything but pleasant.

We grill nominees. We scrutinize their every word—both written and spoken. We demand justifications for their every action and decision. We advertise their flaws, both real and imagined. And we posit hypothetical situations before them, to gauge their reactions.

It takes a certain amount of stamina—of endurance—to undergo the nomination process. It demands exposure of the nominees and their families to public slander and character assassination.

And yet we have the audacity to compound this grueling experience by forcing nominees to languish without benefit of a vote.

So the principle I outlined at the beginning of this Congress—that every nominee should have a fair up-or-down vote—is twofold. First, each vote is the fulfillment of our constitutional duty to offer advice and consent on each of the President’s nominees. And second, each vote offers a measure of fairness to nominees. They have submitted to the grueling public scrutiny entailed by the nomination process. In return, they deserve a definitive answer—yea or nay—on whether they have passed muster.

Undoubtedly, we lose many qualified candidates because they choose not to endure the public scrutiny of being nominated. But how many more do we lose—needlessly—because they fear languishing without a vote?

That is why I made it clear—at the outset of this Congress—that I could not countenance the perpetuation of the travesties of the previous Congress.

Looking back, I firmly believe that without that firm stand—without the promise of the constitutional option—we would not be where we are today.

Without the promise of the constitutional option, we would not have seen the so-called Gang of 14.

Without the promise of the constitutional option, it’s unlikely we would

have confirmed two Supreme Court nominees with such timeliness.

Without the promise of the constitutional option, I have no doubt that future generations would look at the 109th Congress as a negative turning point for the Senate. A turning point in which, through our passivity, we allowed a laudable Senate tradition to trump Senate duty as defined in the Constitution.

We have, for the time being, protected our Senate legacy.

I recounted these events for a reason. There is purpose to my reminiscing.

This week we are wrapping up the business of the 109th Congress. We are preparing for a change in control of the Senate. Many of my colleagues will return for the 110th Congress. I would leave them with this challenge: continue the progress of the 109th Congress.

We have halted the deterioration of the nominations process. We have even turned it around, helping prevent numerous nominees from languishing indefinitely.

But despite these important strides, there have still been casualties.

Just yesterday, President Bush accepted John Bolton’s resignation from his post as Ambassador to the United Nations. A man eminently qualified to articulate the position of the United States—and yet a minority of my colleagues refused to grant him an up-or-down vote.

They refused to take a decisive stand—yea or nay. And in so doing, they abdicated their constitutional duty of advice and consent.

And there are others. Ten circuit court nominees still await a definitive vote, as do 21 district court nominees. And some have waited years. Not months, and certainly not days: but years.

It is true that the number of nominees still languishing is smaller now than it was at the end of the 108th Congress. And I firmly believe that what progress we’ve realized is a direct result of standing on principle.

For more than 200 years, the Senate operated on the underlying assumption that every nominee deserved an up-or-down vote. In the 109th Congress, we were forced to defend that assumption. And we did so, by standing on principle.

We have made important strides. We have stopped the downward spiral, and started to regain lost ground. But the fact remains: we still have farther to go. We have made progress, but it hasn’t been enough.

So let me reiterate: to the 110th Congress—to my returning colleagues, and to the new Members—I issue this challenge: continue that upward momentum. Continue the progress of the 109th Congress.

Fulfill your constitutional duty of a fair up-or-down vote on each nominee.

Fulfill your commitment to fairness by giving nominees a firm yea or nay.

And fulfill your place in history by helping preserve the Senate’s legacy.

Don’t let history remember the 110th Congress as the one when the Senate turned rebel.

It comes down to this: You can build on the progress of the 109th Congress. Or you can abdicate your constitutional duty, and irreparably damage America.

Looking back, I can proudly say the Senate stood on principle during the 109th Congress. We made genuine progress. I hope I can say the same of future Congresses.

#### SECRETARY OF THE SENATE EMILY REYNOLDS

Mr. FRIST. Mr. President, I came to the floor to recognize two individuals who have been very close to me and contributed significantly to the progress I have made here in this body and, indeed, the progress that we make as an institution.

I rise to pay tribute to Emily Reynolds, our magnificent Secretary of the Senate. Abraham Lincoln once said, “I am a success today because I had a friend who believed in me, and I didn’t have the heart to let him down.”

Looking back at the past 13 years, those words ring true. I know for a fact that successes and triumphs I have enjoyed throughout my years in office are largely attributable to family and friends and staff, people who have stood with me, people who hold me to a higher standard, people who compel me to meet that standard.

Today, I specifically speak about one such person who has been at the center of everything I have done over the past 13 years, Emily Reynolds. No one has believed in our mutual vision for the future of Tennessee and the country—that mutual vision that she has shared and I have shared, that we have shared for the people of Tennessee—nobody has articulated and stood behind that more than Emily Reynolds.

Most of my colleagues know Emily as the Secretary of the Senate. She is the woman who keeps the legislative machine well oiled, moving and running smoothly, no matter what the circumstances; the woman largely responsible for bringing us the Capitol Visitor Center, and the woman who signs our paychecks every other week.

Thirteen years ago this month, I came out of the operating room having made the decision to run for the Senate. I learned early on from my experiences in the operating room—part of the surgical team—how important it is to surround yourself with the best of the best. So I sought counsel from former Majority Leader Howard Baker, who very quickly introduced me to his former chief of staff Jim Cannon. They both within a few days steered me to a remarkable fellow Tennessean who has literally been with me every step of the way over the last 13 years, currently serving as Secretary of the Senate, Emily Reynolds. It should come as no surprise after meeting her that I wanted Emily on my team.

In that first campaign, I was a political novice. I was the underdog. I had no political experience whatsoever. The pundits said I didn't have a fighting chance. But Emily had faith in our vision. She moved from Washington back home to Tennessee to join our fledgling campaign. She believed in our mission.

When we set up our 24-hour-a-day campaign headquarters over a restaurant in Nashville, Emily was there almost 24 hours a day. When I opened my first official Senate office, she was there. And now, as I—as we all—carry our last boxes out of our offices and out of this majority leader's suite, she is there standing with me.

She served as my deputy campaign director back in 1994, and as my state director at home in Tennessee, and as my campaign manager for my reelection campaign in 2000, as chief of staff of my Tennessee office here in Washington, and for the past 4 years, she has served all 100 Senators as the 31st Secretary of the Senate.

To this day, the range of Emily's capabilities astounds me. She is a genuine people person. People love her. People are attracted to her warm personality. She makes you smile. She makes you laugh.

And what versatility. She is comfortable shooting the breeze with farmers down in rural Tennessee. But she is just as comfortable walking the Halls of the Senate and the Congress with Senators, with diplomats and foreign heads of state. No matter what the situation, whether it is singing on the stage of the Grand Old Opry or standing on the floor of the Senate, Emily's passion for people shines through that warm smile.

But beyond possessing the rare capability of being able to set just about anybody at ease, Emily is a talented administrator. She juggles the demands of all 100 Senators, Democrat and Republican alike, and their staffs, a thankless task, while always wearing a friendly smile. She is loved and respected by Members on both sides of the aisle.

Under her direction, the Senate has benefited from an ambitious overhaul of our computer systems, bringing them up to date with the latest in modern technology.

Emily humbly describes her job as "making the trains run on time." That is true. But it doesn't give the complete picture of who she is or what she does. Within the Senate, she has fostered a stable environment of mutual respect and mutual trust. Her supreme attention to detail has served the Senate and our Nation well. Whether she is collaborating with the Sergeant at Arms to develop crisis contingency plans, or working with the Senate Historian's Office to produce new publications that augment and preserve the Senate's history, Emily is a born leader. Her devotion is unmatched.

Emily comes from a very close family whom I have had the privilege to

know. That is where her values come from. That is where her sunny smile comes from. That is where her work ethic comes from. I can only imagine how proud of her accomplishments her dad Clarence is, her sister Ellen, and her brother Ernie, and how proud her mother Josephine would be, too.

Clarence, you did good. You did well. Emily's service to the Senate will surely be missed. As an institution, we can only hope that she again returns to our body as she did after her service to another Tennessee majority leader, Howard Baker. Yes. In fact, Emily Reynolds worked in the very Republican Leader's office which I now occupy, from 1980 to 1984, where she worked for then chief of staff Jim Cannon, chief of staff for Howard Baker.

I cannot tell you how thankful I am having had her at my side for the past 13 years. She is a true friend and a trusted adviser. I cannot think of anyone more fittingly described by Lincoln's words.

Great things lie ahead for Emily Reynolds. The sky is the limit. And while I don't know exactly what direction she will travel, I am certain that, as always, the people of Tennessee and the entire United States of America will benefit.

#### CLIMATE CHANGE

Mr. INHOFE. Mr. President, the hearing we had 3 days ago in the Environment and Public Works Committee is one of the four hearings we have had on climate change. It is probably the most misunderstood of all issues out there today—and the most alarming to a lot of people. This hearing was totally different. This hearing was about how the media is skewing the results, how the media is hyping the anxiety of this thing and totally ignoring the science.

It is kind of interesting. A lot of people are not aware that when you have a hearing, you will have Republicans and Democrats each bringing in experts. We had five experts; two of them were brought in by the Democrats and three by the Republicans.

It was interesting because one of the Democrat witnesses, Dr. Daniel Schrag of Harvard, believes that manmade emissions are driving global warming. Let me clarify this because it is not understood by very many people.

The issue is not that the world is getting warmer. Yes. It is. It is always either getting warmer or cooling. There is never any time when it is static.

So we are going through a warming period. It increased to about 1998, and then it stopped pretty much at that time. But even their witness, who was a believer, said that the Kyoto Protocol is not the right approach to take and agreed it had almost no impact on the climate if all the nations complied.

Probably one of the most major breakthroughs that we have had is the recognition by virtually all scientists that the Kyoto Protocol, which would

be devastating to the United States, or any country—ask Great Britain. They will tell you. They signed onto the Kyoto Accord. In fact, if you look at some of the countries, such as Canada, 60 scientists who were advisers to the Prime Minister of Canada are saying if we had known back in the late 1990s the science of today, we would never have done that. Now they are petitioning the Prime Minister to get out of the Kyoto Protocol.

It was kind of interesting. Al Gore, who really believed this was his ticket to the White House back when he was the Vice President of the United States, went to a guy named Tom Quigley, a scientist, and said we would like to know if all the countries—this is back when they were trying to get us in the United States to ratify the Kyoto Protocol—said if all the countries of the developed world were to do this, what effect would that have on the temperature over a 50-year period. He had a neat chart to hold up. He said if all the countries in the developed world, the United States of America and all the other developed nations did this, over 50 years it would reduce the temperature by 6/100ths of 1 degree centigrade, which isn't even measurable.

Now all these people agree with that—all of the scientists who used to be on the other side of the issue.

One of the witnesses there was a paleoclimate researcher, Bob Carter from Australia, the James Cook University. He has gone back to Australia. Everyone recognizes him as being one of the outstanding—in fact, he has been on quite a few TV shows. He says there is a huge uncertainty in every aspect of climate change.

David Deming, a geophysicist, said:

Every natural disaster that occurs is now linked [by the media] with global warming, no matter how tenuous or impossible the connection. As a result, the public has become vastly misinformed on this and other environmental issues.

That is a significant thing. While we recognize that we are going through a natural period where the climate is getting warmer, it was actually warmer in the 1930s than it is today. It was warmer in the fifteenth century than today.

But during this period of time, they are trying to say it is due to man-emitted gases. They are called anti-geometric gases, methane, CO<sub>2</sub>. Now they are all realizing that CO<sub>2</sub> has virtually nothing to do with it, and that is why you are seeing so much of the panic in the media. Dan Gainor was one of the only nonscience witnesses. He approached it from an ethical perspective, talking about the one-sided climate coverage, saying it violates the ethical code of the Society of Professional Journalists which urges the media to "support the open exchange of views. Even views they find repugnant." That code calls for reporters to distinguish between advocacy and news reporting which, he says, they have not been doing.

One of those individuals who is a strong supporter of human gases causing climate change, Mike Hulme, the director of the UK-based Tyndall Centre for Climate Change Research, is on the other side of this thing and has now—talking about the media—chastised the media and environmentalists for choosing the “language of fear and terror” to scare the public. Hulme noted he has found himself “increasingly chastised” by global warming activists because his public statements “have not satisfied the [activist] thirst for environmental drama and search for exaggerated rhetoric.”

A report in August of 2006 from the UK labor-leaning Institute for Public Policy talked about the way the media is handling it:

A quasireligious register of doom, death, heaven and hell using words such as “catastrophe,” “chaos” and “havoc.”

The report also compared the media’s coverage of global warming to “the unreality of Hollywood films.”

Another individual who was a supporter at one time, David Bellamy from Britain, has come around talking about this. The one I am going to talk about in January at some length is a man named Claude Allegre, the French geophysicist and a former Socialist Party leader. He is the only one I know who is a member of both the French and the United States Academies of Science. Allegre now says the cause of warming remains unknown and the alarmism “has become a very lucrative business for some people.” In short, their motive is money. And he is right, it is about money.

One by one, the people, scientists are coming around. This hearing has had more response throughout the Nation. I have lists of newspapers that have editorialized as a result of this. That awakening is taking place, but that is not why I am here today.

#### TRIBUTE TO JEANE KIRKPATRICK

Mr. INHOFE. Mr. President, our majority leader has been paying tribute to some great people we work with, and I agree with every word he said. However, we have somebody else who needs tribute today.

A real American hero died yesterday. That was Jeane Kirkpatrick. It happens I have been close to Jeane Kirkpatrick for a number of years. People do not realize she was born in Duncan, OK, down in the oil patch. She was the daughter of an oil field wildcatter. I knew her way back in the early stages before she was even brought up by Ronald Reagan to take the lofty positions she held. She was Ronald Reagan’s foreign policy adviser in his 1980 campaign and the first woman to hold the position of U.S. Ambassador to the United Nations.

When someone was asking me in the media recently what is the one thing you can say she made the greatest contribution in, I said, she is the first one who called people’s attention to what

the United Nations is doing, the fact that they have gotten involved in things they should not be involved in. She was one of the last stalwarts to hold out for sovereignty at the United Nations in the United States.

The Washington Times noted Jeane Kirkpatrick’s eyes twinkled at the mention of the August 1984 night at the Republican National Convention in Dallas when she eviscerated the liberal Democrats as the “blame America first crowd.” Boy, is she right. Look what has been happening.

She was awarded the Medal of Freedom, the Nation’s highest civilian honor, in May of 1985. She received her second Department of Defense Distinguished Public Service Medal and has received more medals than any other person I know in her field. In 1991, the Kennedy School at Harvard University established the Kirkpatrick Chair in International Affairs. She served as senior fellow and director of foreign and defense policy studies at the American Enterprise Institute. She is famous for her Kirkpatrick doctrine which advocates United States support of anti-Communist governments around the world. Along with the Empower America codirectors, Bill Bennett and Jack Kemp, she has been active up to the present time.

One of the things we worked on together was the John Bolton nomination. To me, the saddest day is when we found that John Bolton was throwing in the towel. He had been abused enough. The only way to save the United Nations was with John Bolton. She got behind him and pushed him and got him involved.

A lot of people say she is too conservative, but she has been recognized and compared to, of all people, former Senator Daniel Patrick Moynihan. A lot of people do not realize this, but Pat Moynihan was also an Oklahoman. The Chicago Tribune said on November 14 of this year, such distinguished ambassadors as Democrat Daniel Patrick Moynihan and Republican Jeane Kirkpatrick also were criticized for tough talk on occasion, even when their passion proved to be right on point.

In recent years, it was Jeane Kirkpatrick who called my attention to something happening—and I am not blaming anyone in this Senate. A treaty that was called the Law of the Sea Treaty received a 16-to-0 vote from the Senate Committee on Foreign Relations. People did not realize that was a treaty that would turn over to the United Nations the jurisdiction of two-thirds of the entire surface of the world and the air above it. I held hearings as a result of Jeane Kirkpatrick calling this to my attention. We were able to stop it when it was ready to be passed in the next week.

I would say we lost a real hero, a real American hero, someone who has been fighting Communists and fundamental Islamic terrorists for her entire life. She has made a great mark. I love her dearly and will certainly miss Jeane Kirkpatrick.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### TRIBUTE TO BILL HOAGLAND

Mr. FRIST. Mr. President, I rise to pay tribute to one who is known as Mr. Budget of the Senate. When I stepped up to the position of majority leader 4 years ago, my first priority was to hire a staff of capable advisers. When I stepped up, it happened very quickly, so I knew I wanted the best of the best. I already had a wonderful staff devoted to help the people of Tennessee, but what I needed was a core group of people to help me with the larger picture, to set an aggressive agenda and help me get it through.

I knew immediately who I wanted to advise me on budget and appropriations. In an ideal world, I knew exactly who that would be. And, of course, that was Bill Hoagland. I had known Bill and worked with Bill as a freshman Senator when he was staff director of the Budget Committee, then chaired by PETE DOMENICI, and I relied on him through those early days again and again in private meetings and tutorials to show me and to introduce me and my budget staff at the time the budget ropes, the process. So when that Christmas Eve 4 years ago came, I picked up the phone and I called Bill Hoagland. I asked—I pleaded with him—to become a part of my team.

Bill came to the Senate Committee on the Budget in the early 1980s from the Department of Agriculture. He started as a group leader and senior analyst and worked his way up through the ranks to become staff director. After more than two decades on the Budget Committee under Senator DOMENICI, Bill was the acknowledged expert on Senate floor procedure for budget resolutions and appropriations measures. He was there during Gramm-Rudman-Hollings. He was staff director during the Balanced Budget Act of 1995. For 21 years, Bill had a voice in every major Senate budget and appropriations measure. I was certain his expertise would be a tremendous asset to my team. And, indeed, it has been.

Bill has proven his worth time and time again. While serving as my director of budget and appropriations, Bill has played critical roles in ushering forth the Deficit Reduction Act and the Tax Increase Prevention and Reconciliation Act of 2006, and many others.

During these negotiations, Bill’s voice is often the voice of reason, practicality, of realism. His plain speaking only enhances credibility as the preeminent authority, the unquestioned preeminent authority on Senate budget and appropriations.

But Bill isn’t all business. The Senate Committee on the Budget fondly remembers him for genuinely caring about his staff. They remember his informal Friday late-afternoon happy hours where staff could share stories about the past week and learn things

about activities in the weeks ahead. In fact, they were so fond of those informal get-togethers that the current Republican staff director installed a plaque naming the room after Bill Hoagland.

My own staff and I will always carry memories of Bill bringing the Kentucky Derby to the Capitol with mint juleps on the Dole balcony behind me. And I will never forget Bill's weekly economic reports which I share on a regular basis with my colleagues. They were as much an exercise in dry wit as a profound analysis of the economic outlook.

After some 25 years, Bill has led one of the most distinguished staff careers ever to grace the Senate. On behalf of this Senate, I thank Bill for his dedication as a public servant to this Nation. Never doubt for a moment how much we value your wise counsel, Bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, Bill Hoagland is truly one of the best I have had the chance to serve with in 20 years. Bill Hoagland is deeply knowledgeable, decent, caring. He is one person who has extraordinary credibility on both sides of the aisle.

I have known Bill in my 20 years in the Senate. Throughout that period I have served on the Committee on the Budget. Bill has been, at various times, the staff director or the leadership stamp on these issues. I have enjoyed so many quiet moments with Bill in which we have reflected on things that concern us about the direction of the country. More than that, I have enjoyed his uncommon decency.

Bill Hoagland is somebody who will be very much missed. I believe Bill Hoagland, because of his intense interest in the fiscal affairs of this country, in the economic well-being of our Nation, will always be there to give good advice.

On many occasions I have joked with Bill and made him job offers for far more pay than he was getting on the other side of the aisle. Bill always kind of indulged my humor and never paid too much attention to it because he was firmly rooted on the other side.

Bill Hoagland represents the best of this institution. And it is with real sincerity I say I will very much miss Bill's very good judgment in this Senate. I thank the leader for his remarks about our very good friend, Bill Hoagland.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I have been drafting my farewell comments, and I had a little section in there about my friend Bill Hoagland, but I will just take this opportunity now to add my voice to those who have been talking about Bill.

I cannot tell you how many times in the last few years I have gone up to Bill in the corner of the Chamber over here and asked him what was really

going on around here. And Bill Hoagland always knows what is really going on around here. Not only is he an expert on the budget, he is an expert on the Senate, and he is an expert, quite bluntly, in strategy as well as an expert in tactics.

So I thank Bill for his good and wise counsel to me. I know he has supplied that counsel to so many other people in the Senate as well. But I, from a personal point of view, have appreciated Bill very much.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JACOB D. SPANN

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army PFC Jacob D. Spann from Columbus, OH, who died on February 6, 2006, when a roadside bomb detonated beneath his military vehicle in Iraq. Jacob was 21 years of age at the time.

PFC Spann leaves his father and stepmother Larry and Libby, his mother and stepfather Deborah and Dennis, brothers Derek, Adam, Joe, Josh, and Chris, sisters Sonni, Sarah, Erin, and Helen, and grandmother Jean.

Jacob Spann—known to family and friends as Jake, Jakey, and sometimes even Jake the Snake—graduated from Westerville North High School in 2003, and was known for his way of walking into a room and lighting it up with his smile and big blue eyes. He had a talent of being serious one minute, and fun-loving and light-hearted the next.

While at North High, Jake participated in wrestling, track, and football. He had a natural athletic ability and was always looking to immerse himself in something new and exciting. Dean of students and head football coach at North High Chad Williams was assistant coach when Jake was a linebacker. He remembers Jake as "an extremely hardworking, dedicated football player." In his words, "[Jake] was a kid who knew he was going to do everything he could for the team."

Always most important for Jake were his family and friends. He was a true and loyal friend to his high school classmates. It was here that Jake met and started dating the love of his life, Abby Van Huffel.

After graduating, Jake took courses at Columbus State Community College and worked in an autobody shop. The auto-body shop allowed him to express a love of art that he had ever since he was a child, when he would spend hours drawing and painting. If he didn't make the Marines, he was thinking of opening his own shop. But Jake felt compelled to join the Marines.

Jake joined the Corps in January 2005. He was assigned to Battalion Landing Team's 1st battalion, 2nd Regiment, 22nd Expeditionary Unit, 2nd Expeditionary Force, based at Camp Lejeune, NC. Jake was well-liked by those who he worked with in the military. His senior drill instructor wrote the following to Jake's family on an Internet tribute Web site:

I would like to express my deepest sympathies to the Spann Family. I was your son's Senior Drill Instructor while he was in Boot Camp. I have spoken to two of the Drill Instructors who worked that Platoon with me, and your son's death has had a profound impact on all of us. I was deeply saddened when I saw it in the Marine Corps Times. Your son was a very good recruit, and I know he was a good Marine.

Jake deployed to Iraq in November 2005. As always, however, before he left, he was thinking more of others than of himself. With the few days he had before leaving, he returned to Westerville for a visit and took Abby out for a special birthday dinner. Abby's birthday wasn't until December, but Jake would be far away then, and he didn't want to miss celebrating with the girl he loved.

Before leaving, Jake also gave his mother Deborah a special present. It was a pendant on a chain—a Marine Mother's Medal of Honor. Deborah has worn it everyday since. "We have a large and loving family," she said, speaking of her son's love for those in his life. "His family came first and his Abby came first, and he loved us more than anything. And he loved his country, and we respect that."

According to his older sister Sonni, Jake was very proud when he left for Iraq. The Marines had given him the confidence he had been searching for. In conversations with his stepfather, he had even spoken of becoming a drill sergeant one day.

It was typical of Jake that when he called home from Iraq, he wanted to talk more about the ones he cared about than himself. He wanted all the news he could get about his family—particularly his five brothers, four sisters, and four nieces and nephews. Jake loved to call and talk to his mom, whom he loved with all his heart.

Jake Spann was an excellent marine. Fellow platoon brother Lance Corporal Monhollen said this about Jake:

I was in the same platoon as Spann in Boot Camp. He was a leader then and was a leader before he died. He was also a great friend.

Jake will be deeply missed by all who knew and loved him. He is an inspiration to many students at Westerville North High School. In the words of Chad Williams:

While a lot of our kids don't have a personal connection with Jake, they really feel he's a part of the Warrior football family, and they've asked me a lot about him. I think that's kind of the best way to honor someone. A lot of young kids are asking about him and want to live up to the same honor and characteristics he had.

After Jake died, the lettering outside his old high school was changed to proclaim: "Jacob Spann—An Ultimate Warrior."

Jake's mother finds it comforting that he did not return home from Iraq alone. She tells a story of how six of the family's best friends were out of the country when they heard the news that Jake had died. When traveling home, their return trip was full of delays. The pilot finally came on and informed the passengers that there

would be one final delay, as the plane was waiting for a "very special passenger"—a fallen soldier. "Our friends realized it was our son," Deborah said. "Things happen for a reason. They brought him home to us and he was escorted by a Marine who would not leave his side until he was where he needed to be."

This was a fitting, final journey for a young man who had always been surrounded by loving family and friends. Countless mourners attended Jake's funeral and burial services to pay their respects and offer comfort to Jake's family. According to Jake's mom, the toughest challenge Jake would have faced returning home would have been selecting the perfect ring for the planned engagement and wedding to Abby.

At the funeral, Jake's brother read a letter from Abby, who said she had been expecting to write wedding vows—not a eulogy. The letter ended with the line, "I will always be here loving you." On the marble of Jake's tombstone, Abby is remembered as his "soul mate."

Marine PFC Jacob Spann was a fine man of whom we can all be proud. He was loved by his community, his family, his friends, and his Abby. His life and the sacrifice he made for our Nation will never be forgotten.

My wife Fran and I continue to keep Jacob's friends and family in our thoughts and prayers.

MAJOR GUY BARATTIERI

Mr. President, I rise today to pay tribute to Army MAJ Guy Barattieri, originally of the Pleasant Ridge neighborhood of Cincinnati, OH. A member of the National Guard's Alpha Company, 1st Battalion, 19th Special Forces Group, based in Buckley, WA, Major Barattieri was working in a civilian contract capacity on October 4, 2006, when he was killed by a roadside bomb in Iraq. He was 36 years of age at the time.

Guy—known fondly by friends and family as "Bear"—was born on June 21, 1970, and raised in Pleasant Ridge. He attended Nativity School and was a linebacker on the 1986 State Champion Purcell Marian High School football team.

Cliff Pope, a teammate of Bear's and his closest friend, remembers him as someone who "had a passion and intensity that was infectious to us all."

According to his uncle Larry Wheatley, Bear had always loved the military—had loved it ever since he was just a small boy. When he was accepted into the United States Military Academy at West Point, it was a dream come true for him. Once at West Point, however, injuries kept Bear from continuing to play football.

Chris Jenks is one of Bear's former classmates and teammates from West Point. He remembers the "never-quit" attitude with which Bear approached his injury. He wrote the following in Bear's memory on an Internet tribute Web site:

Army doctors told Bear that he could no longer play football. Bear took that in stride, and . . . decided that, technically, the doctors never said he couldn't play Rugby, [so] he started playing rugby, [instead].

After graduating from West Point in 1992, Bear attended the Infantry Officer's Basic Course Ranger School and the Mortar Course before being stationed in Baumholder, Germany. He later attended the Intelligence Officer Advanced Course and branched out to the Special Forces. His friend Chris Jenks remembers how impressed he always was by Bear's "innate" infantry leadership skills. "Some things you can train or teach," he said. "Some things you are born with."

In 2001, Bear joined the Seattle Police, where he was president of his academy class. Bear's friend Detective Nick Bauer, who was his field-training officer, described Bear with the following words:

[He was an] absolutely distinguished soldier, and a distinguished officer—an extraordinary man, one of those guys who won the hearts and minds of everyone he came in contact with.

Bear remained with the Seattle Police Department until 2004.

In 2002, Bear went on active duty as a detachment commander in Kuwait. When the 101st Infantry Division entered Baghdad in March 2003, Bear's team was at the lead. For the role that he played, he received a Bronze Star and Combat Infantryman's badge.

Without question, Bear made an impact in Iraq. He participated in multiple missions, during which he captured three of the most wanted members of Saddam Hussein's government—individuals who had been depicted on the deck of playing cards issued by the U.S. Military.

Bear was a dedicated and excellent soldier. But he was also something more—a loving and devoted family man. For Bear, those he loved always came first. On December 11, 2005, Bear married the love of his life—Laurel. They adored each other. He was a loving father to his two girls—his 6-year-old stepdaughter Rees, and Odessa, who was born on July 19, 2006. He loved his family more than anything else in the world.

Family friend Mary Mascarella remembers that Bear was a doting father. He would take Rees to swimming lessons, make her lunch, and take her to school. And, when Odessa was just 3 weeks old, the family was visited by Bear's stepmother Barbara. Barbara remembers how excited he was about their new daughter. "It was his first baby," she said, "and he did it all—diapers and everything."

I had the privilege of seeing several photos of Bear with his family. One is from his wedding, with a beaming Laurel on one arm and Rees cradled in the other. Another picture shows Bear with the newborn Odessa in his arms. It is clear from looking at these pictures, how incredibly happy Bear's family made him.

Even when he was away from home, Bear's pride and delight in his family was apparent. In a tribute to Bear created by FOXNews, John Fiegenger remembers the way Bear lit up at the mention of his family. He wrote:

[His] quick smile was one of the things that struck me most about Bear, and his biggest smiles were reserved for the many frequent mentions of his family back home. He never hesitated to show pictures of his wife, his daughter, and eventually, his newborn baby girl.

In Iraq, Bear was the head of the security team at the FOX Baghdad office, and was there in October 2005 when car bombs destroyed the hotel where they were located. On the FOXNews tribute Web site, Gordon Robinson remembers how important Bear was at that time. He wrote this about him:

Bear was the person who held all of us together, both as individuals and as a news bureau. . . . Throughout it all, he remained calm. When it was over, he was confident and smiling, and that attitude helped the rest of us to understand that we, too, were going to make it through.

Cliff Pope had met Bear during their freshman year of high school at Purcell Marian. He remembers how committed Bear was to the ideals of freedom and democracy. In Cliff's words:

Bear believed in America, he believed in democracy, and he believed in his heart that God put him on this earth to protect this country. And, he lost his life serving out what he felt was his life's mission, which was protecting others.

There are perhaps no better words than those to describe the type of man that Bear was. He was simply someone who cared. His friends, his family, and his Nation are all proud of his service, and we owe him our eternal gratitude.

My wife Fran and I continue to keep the family of MAJ Guy Barattieri—his wife Laurel and his daughters Rees and Odessa, his mother Patricia Wheatley, his father and stepmother Dick and Barbara Barattieri, and his sisters Nicole, Becky, and Gina—all in our thoughts and in our prayers.

SY JASON LUCIO

Mr. President, I rise today to honor the memory of a brave man from Clyde, OH—Sy Jason Lucio. Sy was working as a civilian technician in Afghanistan, when on April 6, 2005, he boarded a transport helicopter bound for Bagram Air Force Base. Less than 100 miles from their landing spot in Afghanistan, rough weather forced his Chinook helicopter to the ground, killing all onboard.

Sy leaves his son Lars, his mother Sally, his father Stanley, and his sister Hannah.

Sy attended Clyde High School, where he was known for his energy and intelligence. After moving to Toledo and graduating from Swanton High School, he decided to attend Penta Career Center. Over the next few months, he quickly absorbed whatever his instructors threw at him. Sy was well on his way to becoming an electrician of international caliber.



Being the skilled technician that he was, he was an avid motorcycle enthusiast and bought himself a Buell, which he rode whenever he got the chance. He, like many young men before him, enjoyed the sound of the engine, the freedom, and the exhilaration.

Sy also loved camping. In his youth, his parents took him on many trips to the countryside. Perhaps it was there that his sense of adventure was born. More than anything, though, Sy loved spending time with his son Lars.

Sy's mother Sally remembers how he was happiest rolling around on the floor with Lars and the other children in the family. She said that "he was such a good daddy. I knew he'd be a good father, but he exceeded my expectations."

It was hard for Sy to leave his family behind him, but he knew there was plenty of work for a skilled electrician in Afghanistan. To support his family, to see the world, and to help his fellow countrymen, Sy joined on with a U.S. contractor, and in early January 2005, he traveled to their Texas headquarters for training. From there, he flew to Afghanistan.

Sy entered this strange new world with confidence. He knew he had the skills, and he knew he could make a difference in the lives of our servicemembers and the lives of the Afghan people.

Sy's supervisor shared his memories of the brave young man. These are his recollections:

Sy [sigh] had great electrical skills. He was a quiet man, but very personable, and he often talked about his son. He really cared about what he was doing and he was proud of the contributions he was making. . . .

Indeed, Sy had so much about which to be proud. He traveled to operating bases in far-flung parts of Afghanistan. Whatever the harsh environment did to the military's equipment, Sy was there to fix. Day-in and day-out, our servicemembers rely on the best hardware and technical support in the world. Sy's knowledge and ability gave our American military confidence in their equipment. There is no doubt that his work saved lives.

Mr. President, those who knew Sy remember him more for how he lived, than for how he left this earth. They remember his intelligence, his kindness, his adventurous spirit, and his strong moral convictions. They remember how he never wanted anyone to worry about him.

Indeed, Sy left an indelible mark on this world, in the memories of his loved ones, and in the lives he changed through his great work. As his cousin, Sarah Wilson, said, "He was a hard-working guy, a very loving guy, and a great father. He would do anything for anybody."

Sy was a thoughtful and quiet man. He had a soft half-smile, which relatives said he often wore instead of a grin so that people wouldn't see his dimples.

Mike Urbine, Sy's instructor at Penta Career Center, knew that he was

enthusiastic about his career, and he saw Sy's intelligence reflected in his work. This is what he said about Sy:

He seemed to have a clear head on his shoulders and was a highly energetic individual. He was a pleasure to work with. He was adventurous. I can see him going to foreign lands and working for a big contractor.

Sy's father Stanley remembers his son as a strong family man. He remembers Sy the patriot, and Sy the man, who—despite his youth—was elected to the central committee of the Lucas County Democrat party. Stanley said the following of his son, "He believed in the union. He believed in his son and taking care of him. He believed in God."

Mr. President, Sy Lucio may not have worn a uniform, but he was serving his Nation. He worked alongside our service members, he traveled with them, and he worked to protect them by ensuring the good working order and safety of their equipment. His death makes it abundantly clear that he shared many of the same risks. Whatever titles he held, career-wise, though, he was first and foremost a loving father, an adventurer, and a brave American. He died a hero.

My wife Fran and I continue to keep Sy's family in our thoughts and prayers.

#### PRIVATE FIRST CLASS SAMUEL BOWEN

Mr. President, I rise today to honor and remember a fellow Ohioan—Army PFC Samuel Bowen, from Cleveland, who lost his life on July 7, 2004, while serving our country in Iraq.

Private First Class Bowen leaves his wife Melanie, their three children Tiust, Darius, and Breonna, his mother Elsie, and his two sisters Consuella and Tamatha.

Samuel—Sam to friends and family—was loved by everyone he met. Known for his friendly face, Sam was the "big man with a big heart, intimidating in size, but soft-spoken and kind."

His demeanor made him a favorite among those who knew him. He was well-liked by the patrons who frequented the restaurants where he cooked. And he was loved by his fellow Ohio National Guardsmen, who fought by his side.

Sam spent most of his life in Berlin, MD, before moving to Cleveland. He was the middle child between two sisters. His mother described Sam as a typical boy who liked to take things apart and put them back together. At 8 years old, he would tag along with the local electrician who gave him his own tool belt. Other fond memories include one when Sam was 3 years old and liked to stand on the kitchen stool to cook a scrambled egg breakfast for his sisters.

Four years after graduating from Stephen Decatur High in Berlin, MD, Sam enlisted in the Army where he honed the cooking skills he had practiced as a young boy. After retiring from active duty, Sam joined the Reserves and was stationed in Iraq this past December as a member of the Ohio

Army National Guard's 216th Engineering Battalion based in Akron, OH.

Although he was on the other side of the world, Sam made sure to keep in touch with his family, especially his wife Melanie and their children. Sam's sister Consuella remembers that Sam would often leave messages on her answering machine—messages she has not erased.

Consuella described her brother with these words: "nice and always doing [things] for others. That was his thing—always doing for others, trying to take care of everybody else." That's exactly what he did.

While in Iraq, Sam risked his life to save another soldier in his unit, his comrade Ron Eaton. On June 16, 2004, Sam and Ron were outside an Army PX store in the intense Iraqi heat, buying Gatorade, when grenades were thrown at them. Several rounds came their way and shrapnel flew through the air injuring Ron and forcing him to the ground. Without regard for his own safety, Sam grabbed Ron and pulled him to safety while explosions erupted around them. Ron credits Sam with saving his life in the incident that claimed the lives of three soldiers and injured 25.

Sam was one of the first to call Ron following his surgery for the injuries he sustained before Sam pulled him out of danger. Ron recalled that Sam wanted to hear his voice to make sure his "battle buddy" was okay. Ron was looking forward to meeting Sam's family and wanted to thank him in person for saving his life.

Tragically, Ron will never have that chance, as Sam was killed when a rocket-propelled grenade exploded near his vehicle in Samarra, Iraq on July 7, 2004.

Sam Bowen was a hero—an American hero, whom we should remember the same way his family will—as "always doing the right thing."

Just like Ron Eaton, we will never be able to fully thank Sam for his selflessness. We will never be able to adequately express our respect for this man, who gave the ultimate sacrifice.

At times like this, I am reminded of something that President Reagan said almost 20 years ago at a Veteran's Day Celebration:

There is a special sadness that accompanies the death of a serviceman, for we're never quite good enough to them—not really; we can't be, because what they gave us is beyond our powers to repay. And so, when a serviceman dies, it's a tear in the fabric, a break in the whole, and all we can do is remember.

Today, I stand here so that we may all remember Army PFC Samuel Bowen and the sacrifice he made for our country.

I had the privilege of meeting Sam's family and friends at Sam's calling hours, and I know that they will forever remember his smiling face, his friendly demeanor, and giving attitude.

My wife Fran and I continue to keep Sam's family and friends in our thoughts and prayers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANCE CORPORAL JONATHAN ETTERLING

Mr. President, I rise today to pay tribute to Marine LCpl Jonathan Etterling, from Wheelersburg, OH, who died on January 26, 2005, in a helicopter crash near Rutbah, Iraq. He was 22 years old. He is survived by his parents William and Kay and his sister Angela.

Born December 27, 1982, in Portsmouth, OH, Jonathan—Jon to his family and friends—was fascinated by military life from a young age. As a boy, his mother remembers him spending hours taking apart a rifle and putting it back together. His bedroom walls were covered with military posters. He loved war stories and movies—anything that represented bravery, selflessness, and sacrifice.

Jon's decision to join the Marines didn't surprise anyone who knew him. As his Sunday school teacher Cathy Sizemore said, "Some people have a higher calling. Jon's was his country."

Although Jon was the Etterling's only son, Jon had three surrogate brothers growing up—his lifelong friends James Howard, Josh Huddleston, and Alex Watts. The three met as young kids growing up on the playgrounds of Wheelersburg.

Alex remembers meeting Jon in first grade. Standing in knee high tube socks and sporting a goofy grin, Jon had asked him, "Hey—you wanna be friends?" Alex, shy and somewhat surprised, was happy to agree. Like so many other people, he was drawn to Jon's good-natured enthusiasm. Quickly Jon, James, Alex, and Josh became inseparable, causing others to jokingly refer to them as the Four Musketeers.

As a cheerful, easy-going student at Wheelersburg High School, Jon excelled in the classroom and on the playing fields. He demonstrated boundless energy and dedication, playing nose tackle on the football team, running track, singing in the chorus, and acting in plays. He was, as his high school superintendent described, "an outstanding young man . . . one of those kids who made you smile just being around him."

Jon was also an extremely hard worker. Jon was always trying to better himself, doing everything his athletic coaches asked of him. This work ethic earned Jon the respect of fellow teammates and coaches. One of his football teammates, Bryan Yelley, said this of Jon's attitude:

He was just one of those guys who got along with everybody. He played hard—did everything as hard as he could. Whenever he did something, he did it to the full extent of his capabilities. As a person, he was everybody's friend.

Jon strove for excellence in everything he attempted. This straightforward approach to life would help him achieve his lifelong dream of becoming a Marine. Regarding Jon's goal of serving our country, his football coach, Jim Gill, had this to say:

He was always interested in the military. I think when he joined the Marines and reached boot camp, he reached his goals. [With] the dedication he put into things he did, there was never any doubt he would succeed."

Jon's former defensive ends coach Dave Pyles agreed. "Jon fit the bill of a Marine," he said. "Being the first in, that was him." For Jon, there was no greater privilege than to serve and protect this country.

Upon graduation from Wheelersburg High School in 2002, Jon and his three closest friends—James, Josh, and Alex—joined the Marines and endured the rigors of boot camp—together. Unsurprisingly, Jon's dedication was evident during this challenging time. His friends described him as "the rock"—the one who they could all depend on for strength and resolve. Among the very best of the Marine Corps, Jon stood out.

After completing his training at Parris Island, Jon was stationed in Hawaii and spent 3 months in Thailand—plus time in Okinawa, Korea, and Japan—before going to Iraq. During this time, he was able to see and explore a world much larger than most could imagine.

When Jon arrived in Iraq, he immediately moved to the front lines, near Fallujah. He was enthusiastic about his job and excited to be there. He wanted to make a difference. His father remembers that Jon was doing what he loved—what he believed in. As his sister Angie said, "My brother was very much military material."

I had the privilege of attending Marine Lance Corporal Etterling's funeral and to meet his family and to see the overwhelming outpouring of love and support. Jon's three best friends—his brothers—James Howard, Josh Huddleston, and Alex Watts were able to attend the funeral, as well. The Four Musketeers were united once again.

Jon's life and his service to this country will not be forgotten. Upbeat and cheerful, he was always willing to lend a hand to those who needed it. He could be counted on to do the right thing. He had an incredible work ethic, a strong faith, and a deep respect for others. And no matter how difficult they were, he always accomplished his goals.

His father summed it up best, when he said: "I just can't be more proud of him."

My wife Fran and I continue to keep the family and friends of Lance Corporal Jonathan Etterling in our thoughts and prayers.

#### EFFECTIVE PHYSICIAN ASSISTANCE FOR DRUG TREATMENT ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. 4115, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4115) to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4115) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4115

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Physician Assistance for Drug Treatment Act".

#### SEC. 2. CONTROLLED SUBSTANCES ACT AMENDMENTS.

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

(1) in subparagraph (B)(iii), by striking "except that the" and inserting the following: "unless, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients. A second notification under this clause shall contain the certifications required by clauses (i) and (ii) of this subparagraph. The"; and

(2) in subparagraph (J)—

(A) in clause (i), by striking "thereafter" and all that follows through the period and inserting "thereafter";

(B) in clause (ii), by striking "Drug Addiction Treatment Act of 2000" and inserting "Effective Physician Assistance for Drug Treatment Act"; and

(C) in clause (iii), by striking "this paragraph should not remain in effect, this paragraph ceases to be in effect" and inserting "subparagraph (B)(iii) should be applied by limiting the total number of patients a practitioner may treat to 30, then the provisions in such subparagraph (B)(iii) permitting more than 30 patients shall not apply, effective".

#### PREVENTING THE MISUSE OF THE RED CRESCENT EMBLEM

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6338, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6338) to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6338) was ordered to a third reading, was read the third time, and passed.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING SENATORIAL SERVICE

PAUL SARBANES

Mr. HARKIN. Mr. President, with the close of the 109th Congress, the Senate will lose to retirement one of our most seasoned and respected Members—Senator PAUL SARBANES of Maryland. Across five terms in this body and before that three terms in the House of Representatives, where I was privileged to serve with him also, PAUL SARBANES has made his mark as a serious and diligent legislator, a classic workhorse Senator rather than a showhorse Senator. The Baltimore Sun has called him the silver fox Senator who “works quietly but with shrewd skillfulness.”

I have always respected and admired Senator SARBANES, both as a stalwart Democrat and also always a proud, unabashed progressive.

As a young man, he graduated from Princeton and went on to Oxford as a Rhodes Scholar and then Harvard Law School. But he never forgot his experiences growing up among the families of Maryland's Eastern Shore. He never forgot his roots as the son of a Greek immigrant who worked long hours to build a successful restaurant business.

In the Senate, PAUL SARBANES has been outspoken in his support for public schools, expanded access to higher education, to job training, and the other essential rungs on the ladder of economic opportunity in America.

He has fought to protect Social Security, to clean up corruption in the business world. In the wake of the Enron and WorldCom scandals, Senator SARBANES took the lead in crafting legislation to prevent the recurrence of the rampant accounting fraud that was destroying confidence in corporate America.

In the early years of this past decade, in classic Sarbanes style—methodically, thoughtfully, and minimum of partisanship—he held 10 hearings on the issue in 2002, listening to all points of view. The result is known universally as the Sarbanes-Oxley law which cleaned up the accounting industry and mandated new disclosure and conflict-

of-interest reporting requirements on U.S. corporations.

There are many reasons why PAUL SARBANES is the longest serving Senator in Maryland history. Throughout his career in this body, he has fought hard on issues of special importance to Maryland, including legislation to protect the Chesapeake Bay. But he has never lost touch with his roots among working people and the immigrant community.

He has always been a model public servant, a person of enormous intellect, intelligence, integrity, and industry. For 30 years in the Senate, PAUL SARBANES has faithfully served the people of Maryland and the people of the United States, and there is no doubt he will pursue new avenues of public service in retirement.

I will miss his friendship, I will miss his wise counsel in the Senate, but I wish PAUL and also his wonderful wife Christine all the best in the years ahead.

MARK DAYTON

Mr. President, I would like to follow that up by expressing my respect and admiration for a longtime friend of mine, my neighbor to the north, so to speak, who is also retiring this year; that is, our Senator from Minnesota, MARK DAYTON.

Senator DAYTON is a public servant in the purest sense of that term. He did not come to the Senate 6 years ago in search of status or celebrity or power for power's sake. He has never sought the spotlight. He came here for one reason: to serve the people of Minnesota and of the United States. He has done so in a diligent, consistent, and selfless manner.

I especially appreciate the way Senator DAYTON has followed in the progressive tradition of Minnesota's great Senators, Hubert Humphrey, Gene McCarthy, Chris Mondale, and Paul Wellstone. On issue after issue, he has fought for working people and their families, for seniors, and for the least fortunate among us. To take just one case in point, no Senator has been more persistent and eloquent in fighting to allow seniors to purchase prescription drugs in Canada where pharmaceuticals are oftentimes less expensive. He has donated his entire Senate salary to the Minnesota Senior Federation to help finance trips on the “Prescription Express” to purchase cheaper drugs in Canada, and he has gone to bat for seniors when they were harassed by border agents upon their return.

To his everlasting credit, Senator DAYTON voted against a resolution effectively authorizing the war in Iraq. He spoke out passionately against the dangers of launching that war. He has used his seat on the Armed Services Committee to take the administration to task for its multiple mistakes and failures in conducting that war. There has been a singular absence of effective oversight of this war on the part of this Congress, but as an individual Senator, MARK DAYTON has done his best to fill

that vacuum. On the Armed Services Committee, he has been courageous and outspoken, and we will remember him for that.

Throughout his adult life, MARK DAYTON has been devoted to serving others and looking out for those in the shadows of life. After graduating from Yale, he could have gone on in the family retail business. He could have coasted on his family's wealth, but he chose a very different course. He chose to work as a teacher for 3 years in a pretty tough public school on Manhattan's Lower East Side. Later he went to work as a counselor for runaway young people, as chief financial officer of a social service agency in Boston, and then as a staffer to Senator Walter Mondale. After returning home to Minnesota, he also served as the commissioner of the Minnesota Department of Energy and Economic Development. He was elected State auditor in 1990.

I think the first time I met MARK DAYTON, I was a Congressman in Iowa and he was running for the Senate in Minnesota, and that was 1982. I went up to campaign for him. I had been involved in agriculture and agricultural endeavors, and so I went up to meet with them and met this young guy running for the Senate. He was unsuccessful that year—I hope not due to the fact that I went to campaign for him. He was unsuccessful that year, but he never gave up. He never gave up trying to find new avenues to serving the people of Minnesota.

As I said, that culminated in him serving as the commissioner of the Department of Energy and Economic Development for a number of years under Governor Perpich and then being elected in his own right as the State auditor in 1990. Under his leadership as State auditor of Minnesota, he did a lot to make sure that State government was running efficiently and effectively and transparently and making sure the auditor's office kept a check on all the different agencies in Minnesota to make sure they were expending the taxpayers' dollars wisely and legally and transparently.

So I was delighted when, even though in 1982 he didn't make it to the Senate, he then made it in the year 2000. In the last 6 years, again, as I said, MARK DAYTON has devoted himself selflessly to helping people less fortunate in our society. His common theme has been amplified powerfully: his passion for public service and his commitment to looking out for others. So I have no doubt that MARK will pursue other avenues of public service in the years ahead.

I will miss his friendship here on the Senate floor, but our friendship will continue. I know that in whatever capacity he can find, he will do what he can to make Minnesota and our country a better, fairer, and more just place for all its citizens. I certainly wish my good friend MARK DAYTON the best in the years ahead.

# HEAD START PROGRAM REAUTHORIZATION

Mr. HARKIN. Mr. President, I now turn to a topic not as good as what I just talked about. In the final hours of the Congress, as we have here today—maybe going into tomorrow—I am always amazed at how those who are well off in our society, those who are doing quite well, how they always get taken care of in the final hours when the Congress closes down. Tax extenders—why, there is stuff for everybody in there, for the people who are doing well. A continuing resolution will come through, basically taking care of all the running of Government. We have a few other cats and dogs coming through here. It is always at this time that I am amazed at how often it is that people who are at the bottom rung of our ladder economically speaking fall through the cracks and no one cares. Hey, we have business to do here. We have to get the tax extenders through. We have to get out of here and go home.

Because of the failure of the Appropriations Committee in the House, because of their failure to do a small extension, which I will explain in a second, because of their failure, beginning in January, 54,000 kids will not be able to go to Head Start Programs in this country. Fifty-four thousand kids have been in Head Start Programs in December and November, but in January, January 3—they probably won't be going to Head Start. Now, again, they will only be out for a couple of months because once we get back in here and we do another extension, either a CR—a continuing resolution—or an omnibus bill, we will take care of it. The authorizers aren't opposed to it; I have checked with them. The appropriators aren't opposed to it. But it wasn't put in the bill. They filed the rule in the House, and they can't change it, they say, now.

Let me describe what I am talking about, why 54,000 kids—poor kids—won't get Head Start beginning in January. What happened was on January 18, 2001, a rule was promulgated from the Department of Health and Human Services. A rule was promulgated which said that by January 18, 2006—last January 18—it required that all Head Start children be transported only on buses that are or very closely match school buses. Well, I have pointed out continually since that time that this is very onerous for a lot of kids who are now transported on paratransit buses. These are transportation vehicles which are not school buses, but they are paratransit vehicles which usually take the elderly to places or they take people with disabilities to work or to shop or whatever. They are paratransit vehicles. They are usually smaller vehicles, but they are not a "schoolbus." But they are effectively used, and have been for many years, to transport kids to Head Start Programs. Of course, the children are transported in child safety seats that are placed on the paratransit buses.

Well, they estimate there are about 54,000 kids in America today who get transported to and from Head Start using paratransit. The rule which said they had to go on schoolbuses was supposed to go into effect last January 18. Well, it didn't. Why? Because a lot of us here bipartisanship said: Wait a minute, this is not right. This is not right. We need to fix this.

Well, how do you fix it? You fix it with Head Start reauthorization. The last Head Start reauthorization was in 1998. We thought there was going to be a Head Start reauthorization this year. We thought, finally, this year we are going to get a Head Start reauthorization bill and we will take care of this mess created by this rule of the Department of Health and Human Services. So we extended this deadline from January 18; we extended it until June.

Well, they still hadn't passed a Head Start reauthorization, so on the Katrina supplemental we extended it until December 31 of this year. So what we did was we extended a moratorium, an abeyance of that rule until December 31 of this year so that kids—Head Start kids had been riding paratransit buses to and from Head Start since—well, for years but since January 18 of this year when that rule was supposed to go into effect, the rule that said they can't ride them anymore, which, again, is nonsense—nonsense. It is much cheaper, it is just as effective, and there are a number of other reasons why riding these paratransit buses are fine for these kids. So we put it off. We held this rule in abeyance until December 31; that is, this December 31. Once again, we didn't get a Head Start reauthorization, so we wanted to extend it again past December 31. So how do you extend it? You extend it on the appropriations bill, the continuing resolution.

Now, had we done our job and gotten the various appropriations bills up, we would have put this in the Labor, Health and Human Services, and Education appropriations bill. We would have extended the time probably until next September 30 to give us time to pass a Head Start reauthorization. So I called over last night. I talked to the staff director of the House Appropriations Committee. I told him about this: Can't you put it in? There is no opposition to it. Well, they didn't put it in. I called him today. He said, well, he checked with the authorizing committee and he said the authorizing committee was opposed to it. I couldn't believe it. So I called the chairman of the authorizing committee, Congressman McKEON from California, with whom I have worked in the past. I talked to him about it. He got back to me and he said: I don't have any opposition to it. I checked with the appropriators; the appropriators didn't have any opposition to it on either side of the aisle. They thought: Yes, this is fine. But it was left out.

You know, if this had been a provision to take care of some wealthy peo-

ple in this country, some special interest group, you can bet it would not have been dropped. It wouldn't have been dropped. But now 54,000 kids won't get to go to Head Start.

I mentioned that to someone today, and here is what they said: Well, why can't their mamas take them? I am not talking about kids who have BMWs or SUVs. These are poor kids. They don't have cars. They don't have vehicles. I am not talking about middle-income kids who live in the suburbs; I am talking about the poorest kids in our country going to Head Start Programs. They don't have mamas who can take them in an SUV or a carpool. So here we are.

So I put the word out. I said: Well, when that CR comes over here, it is amendable. I will offer an amendment to put it on there. There is no cost. Everybody is for it. Nobody wants to object. Now I hear that if I do, there will be a motion to table my amendment. They will table it because the House will send over their continuing resolution and then they are going to go home, adjourn and go home. So if I offered my amendment, and if it were to pass, it would mean the House would either have to stay in or come back.

Then they will tell me, Oh, you can't do that, HARKIN, because don't you know the Government will shut down. You see, the continuing resolution that we are on now funds the Government until midnight tonight. They will say if you do that, they will have to come back, it will shut the Government down, and blah, blah, blah. Mr. President, those 54,000 kids not going to Head Start, January, February, maybe March until we can get our bill through, I think is more important—I stand tonight to tell you and tell anyone who is watching, it is more important for those 54,000 kids to go to Head Start in January, February, and March than it is to allow 435 Congressmen to get out of town and go home. It is more important.

Once in a while I have gotten a reputation around here for doing things in the last hour. Usually it is because something such as this happens. It seems to me it is always true that at the end, the final hour, it is something such as this, and some on the bottom rungs of the economic or social ladder of this country get dropped and forgotten. We ought to be ashamed of ourselves. We can't fix this? We can't take care of this? Because they filed, they have a rule, this and that?

I tried to get this on the postal reform bill. There is a postal reform bill out there floating around someplace. Oh, we can't do it now. They are done writing it and blah, blah, blah. We just can't do it.

It is a shame, isn't it? It is a shame that we can take care of the rich and the powerful, it is a shame that we can take care of postal reform. It is a shame we can take care of continuing the resolution to keep everyone paid in the Federal Government. But, we can't

find it in ourselves somehow to take care of these kids, these Head Start kids. We are just going to say I am sorry, that is the way it is.

I haven't made up my mind yet whether I am going to offer this amendment tonight, or whenever that CR gets over. I have a right to. It will probably get tabled which means killed. The word has already gone out that we will probably have to table the Harkin amendment. I suppose people will say there goes HARKIN again. We want to get out of town and he has something else.

I don't know. I haven't made up my mind yet. I wanted to set the record straight. You are going to hear about it. Senators are going to hear about this in January. You are going to hear about the fact that Head Start kids for some reason can't get on these paratransit buses and we are wondering why it happened.

I don't know, I may offer the amendment tonight, and if someone moves to table, I may ask for a rollcall vote, and we will see how important 54,000 kids are compared to 435 Congressmen over there who can't come back in a moment to take care of these kids in January and February, the coldest parts of the winter in certain parts of our country. So we will have to see, we will see what happens to the CR when it comes over. I guess I want to tell my colleagues they will probably have to vote on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### HONORING JEANE KIRKPATRICK

Mr. KYL. Mr. President, I rise to pay homage to a very special lady. I mourn her passing today, a great American patriot, Jeane Jordan Kirkpatrick. She, of course, is best known as our Ambassador to the United Nations under the Presidency of Ronald Reagan, but her history was of a dedicated American in public service before that.

She first rose to international prominence as a foreign policy adviser to Ronald Reagan's first Presidential campaign. Although she considered herself a Democrat at that time, she always placed principle above partisanship. In Governor Reagan, she saw a man who shared her commitment to freedom and democracy and was willing to call evil by name.

As America's first female permanent representative to the United Nations, Jeane served President Reagan from 1981 to 1985, and was an eloquent promoter of American values. She once said, "I think that it's always appropriate for Americans and for American foreign policy to make it clear why we feel that self-government is most compatible with peace, the well-being of people, and human dignity."

Since leaving full-time Government service, Jeane Kirkpatrick has served as an educator, commentator, a wise

woman whose counsel has been highly sought after. She has continued to be a passionate advocate for human rights and has also actively supported missile defense, United Nations reform, and the war against Islamic fascism. Most recently, I have had the pleasure of working with Jeane on the Committee on the Present Danger, which Senator LIEBERMAN and I cochair, and on which she played an important advisory role.

America has lost a great patriot and defender in Jeane Kirkpatrick. She will be sorely missed, but she will certainly be fondly remembered.

#### HONORING CONGRESSIONAL SERVICE

Mr. KYL. Mr. President, I also will say a word about a couple of my colleagues who are leaving, and I will be brief.

WILLIAM FRIST

I know we were all impressed with the comments of our majority leader, BILL FRIST, yesterday. I wish him godspeed in his new endeavors. He certainly has been a joy to work with as part of the Republican leadership because of his good temperament, his wise counsel, his knowledge of human nature, and his deep commitment to this body, the people of Tennessee and, most importantly, to the United States of America.

DENNIS HASTERT

I also want to acknowledge that we will no longer have as Speaker of the House of Representatives in a couple of weeks a colleague of mine when I first came to the House of Representatives, DENNIS HASTERT of Illinois. I saw DENNIS this morning at the White House with the President, who also acknowledged the great contribution of DENNIS during his period as Speaker of the House. Since we were colleagues coming to the House of Representatives in 1986, I will say a special word of thanks to DENNIS for his service.

KATIE ALTSHULER

Mr. President, I wish to make some comments about Katie Altshuler. Katie has been the head of the Republican policy committee the last several months and has served several of us here in this body, primarily with her work here on the floor of the Senate. Katie will be greatly missed by all the staff of the Republican policy committee but also by the staff of all of the Senate family here, who know that she was a very big part of that Senate family. She and her husband will be returning to Oklahoma. I know all of us wish her well. She is one of those little sparks of humanity who makes life a little bit more worthwhile at some of these long nights and weekends that we occasionally have to spend here in the Senate.

RICK SANTORUM

I also acknowledge that several of my colleagues will not be with us after we conclude our business tonight, tomorrow, the next day, or whenever we

are going to conclude our business here, colleagues with whom I have served with a great deal of pleasure. My friend RICK SANTORUM was serving in the leadership. We both served in the House of Representatives. He was a great inspiration to the Republican team here, and I know everyone, Democrat and Republican, respects him for his commitment, values, and ideals.

CONRAD BURNS

CONRAD BURNS is a fellow westerner with whom I have shared much and always enjoyed the humor that CONRAD brought to this body.

JIM TALENT

JIM TALENT from Missouri is another colleague from the House of Representatives. He is another serious and dedicated public servant whom I suspect we will see more of in the future.

GEORGE ALLEN

GEORGE ALLEN, a great colleague with whom I also served one term in the House of Representatives, and whose philosophy of "freedom first" is certainly one that I share. I know we are going to miss GEORGE and his sage counsel in the years to come.

MIKE DEWINE

MIKE DEWINE and I served together on the Judiciary Committee. We came together to the Senate at the same time and I will certainly miss MIKE's friendship as well.

LINCOLN CHAFEE AND PAUL SARBANES

Finally, LINCOLN CHAFEE. Although I mentioned Republicans in this list, I certainly don't want to forget, of course, PAUL SARBANES, who will be leaving at the end of this year, and others in the House of Representatives with whom I served as well. I know we all move on at some time and that none of us is irreplaceable. But by the same token, these colleagues of ours who will be leaving will be missed and they will be remembered for their great service to the Senate, to their States, and to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, what is the current status on the floor?

The PRESIDING OFFICER. We are in a period of morning business.

#### VETERANS' ACCOMPLISHMENTS AND S. 3421

Mr. CRAIG. Mr. President, I have sought recognition in these waning hours of the 109th Congress to provide a summary of the good work accomplished over the last 2 years on behalf of America's veterans, and to comment on comprehensive legislation that is now pending in the Senate. I provide this summary in my capacity as chairman of the Committee on Veterans' Affairs, a title I will soon pass on to my friend, Senator DANNY AKAKA of Hawaii.

Before the 109th Congress convened, I made a decision to serve as chairman of the Committee on Veterans' Affairs

for two fundamental reasons. The first and most important was that our country was at war and continues to be at war, and a nation at war, with hundreds of thousands of young men and women having spent extensive tours overseas in hostile lands, fighting for our country, deserves the full attention of the Senate. Many have died during the course of combat operations. Others have been seriously wounded. Thousands more will transition out of the military service in the coming years and will attempt to reenter the workforce or go to school under the Montgomery GI bill. There simply was no greater calling than for me to assume the leadership role to ensure our Government was effectively assisting the current generation of America's veterans and their families.

Second, I have always been nonplused, I guess, at the characterization that the Committee on Veterans' Affairs was a "B" committee. This characterization exists despite these facts. Mr. President, 24 million Americans have served in the military and are potentially eligible for VA-administered benefits. In addition, VA will soon have a budget over \$80 billion, which is one of the largest and fastest growing budgets within Government. And finally, VA has the second largest Federal workforce of any Government agency.

Therefore, it was my goal to elevate the committee's profile and the importance of the veterans' benefits and services by embarking on a course of vigorous oversight and legislative effort and, I believe, accomplishment.

It is my humble opinion that I share the credit with 13 other members of the committee. One of them is here on the floor with me, Senator KAY BAILEY HUTCHISON of Texas, who also served not only on the authorizing committee with me but chairs VA MilCon and has played a critical role in veterans issues. We have been diligent and active participants of the committee, and the business of this committee, in my opinion, has been extremely productive in the last 2 years.

The committee held 52 hearings during the 109th Congress. From the start, our focus was on the combat wounded, the combat deceased, and their families. We held a hearing on the difficulty that surviving spouses have in getting timely and effective, consistent information regarding their benefits following the active-duty death of their loved one.

We held several hearings on whether returned combat veterans are provided with a seamless transition—many of us have heard those words used—from active duty to civilian life. We are still working with DOD on that, to make sure it is truly seamless.

We focused on medical and vocational needs of our severely wounded. We examined the research being done within the VA to advance our understanding of various diseases and disabilities confronting veterans in the

hope that advances in medical science and technology could one day improve their lives. And there is clear evidence today that that very thing is happening.

The committee was particularly active in examining VA's budget needs, and no one can argue about the high priority this Congress placed on funding the VA system.

The total VA budget will have increased from approximately \$63 billion at the end of fiscal year 2004 to over \$80 billion upon enactment of a fiscal year 2007 appropriations bill, an increase of 27 percent.

In addition to resources provided, this Congress has put in place a system of accountability to ensure that the appropriations provided to VA are being used to meet the needs of those who rely on the vital health care provided by VA facilities around the Nation.

By law, VA now submits quarterly reports to the Congress on its budget that contain a comparison between VA's planned expenditures and actual expenditures.

More importantly, VA is required to include quality indicators in this report, such as the percentage of primary care appointments scheduled within 30 days of a patient's desired date.

I am confident that the Congress has the mechanisms in place to know, on short order, if VA's budget needs are outpacing its resources, and is therefore equipped to take swift remedial action if necessary.

On the legislative front, the Senate has continued to do the work expected of it by the men and women we serve and represent. Let me give a quick accounting of the legislative provisions that were enacted into law during this Congress:

First S. 1234 and S. 2562. In both the first and second sessions of the Congress, cost-of-living-adjustment legislation was enacted to increase the rates of disability compensation and survivors' compensation. Benefit rates were increased by 4.1 percent for 2006 and will be increased by 3.3 percent for 2007.

Second, Traumatic Injury Protection under Servicemembers' Group Life Insurance, T-SGLI. In many instances the wives, parents, and other family members of servicemembers who are traumatically injured incur substantial financial obligations in order to spend time with their loved ones during recovery periods at military hospitals.

Under the provisions of Public Law 109-13, those traumatically wounded since the start of OIF and OEF as a result of combat wounds are eligible for financial payments which range from \$25,000 to \$100,000 for qualifying injuries, depending on severity. To date, more than 2,500 wounded servicemembers have received payments as a direct result of this legislation.

As of December 1, 2005, all servicemembers and Reservists insured under the Servicemembers' Group Life

Insurance program are also covered under the T-SGLI benefit. The coverage extends to all qualifying injuries regardless of whether injuries are incurred as a result of combat.

Under the provisions of H.R. 3200, the maximum coverage for members of the Armed Forces and veterans of the Service Members Group Life Insurance and the Veterans Group Life Insurance benefit was increased from \$250,000 to \$400,000.

The bill, as enacted, also requires that spouses be notified when members insured under T-SGLI elect less than maximum coverage or designate a beneficiary other than the spouse or the children or the child.

In fiscal year 2006, the National Defense Authorization Act, H.R. 1815, under provisions of H.R. 1815 and as a result of veterans committees oversight, the Department of Defense was directed to provide customized integrated information to survivors of those killed on active duty about their future Federal benefits through an Internet Web site.

I was amazed when we started these hearings that we were still dealing with a hodgepodge of approaches of how we dealt with the surviving spouse of a lost one.

DOD was also directed to develop a uniform policy on providing casualty assistance to survivors. I would like to especially thank Senators WARNER and LEVIN for their cooperation on that bill.

Also under H.R. 1815, a provision was adopted to prohibit military funeral honors and burial in VA national cemeteries and in Arlington National Cemetery to any person who is convicted of a Federal or State capital murder for which a sentence of death or life in prison may be imposed.

We had an example of a fellow from Maryland who had killed two elderly people and was sentenced to death, died in prison, and was buried at Arlington. This provision was adopted following our committee's oversight and hearing of that double murder that I just expressed. I will speak more to my colleagues about the status of the double murder incident in a moment.

In June of 2006 President Bush signed into law S. 1235, a bill to help severely injured servicemembers in their transition from the military to their civilian lives. It authorizes VA to make grants available—ranging from \$2,000 to \$14,000—to assist with housing adaptations on a family member's home in which a severely disabled veteran is living.

It allows servicemembers, who have been legally determined 100 percent disabled when they separated from the military, up to 2 years from that date to apply for premium-free Servicemembers' Group Life Insurance coverage. Finally, it enables them to convert their coverage to Veterans' Group Life Insurance, or an individual plan or policy, during the same 2-year period.

As to H.R. 5037, undoubtedly most of my colleagues are aware of the fringe



group which has used its protected free speech rights to deliberately disrupt funerals of our military heroes. That is why the Senate voted unanimously to put reasonable restrictions on demonstrations at VA cemeteries and Arlington National Cemetery.

An amendment was put forward on the floor of the Senate balancing the rights of grieving families to a dignified funeral ceremony; the rights of private property owners who live near cemeteries to be free from overly intrusive Federal laws; and the rights of demonstrators to have their message heard. The amendment was accepted, the bill was passed, and it is now Federal law.

In addition to the bills already enacted into law, the House and Senate Committees on Veterans' Affairs have agreed on a comprehensive substitute amendment to S. 3421, which has cleared the House and awaits Senate action. I urge my colleagues to support this important bill.

S. 3421, the "Veterans Benefits, Health Care, and Information Technology Act of 2006," contains provisions that would: enhance veterans' health, education, memorial affairs, and other benefit programs; improve VA's information technology infrastructure; authorize the construction of needed VA medical facilities; improve services for homeless veterans; remove the remains of a convicted double murderer from Arlington National Cemetery; and, I am proud to say, repeal an outdated and paternalistic law that limits the ability of veterans to hire an attorney to represent them during the VA claims process.

While a fuller accounting of the provisions of S. 3421 can be found in the Joint Explanatory Statement language accompanying the amendment text in the Congressional Record—and I ask unanimous consent that the Joint Explanatory Statement be printed in the RECORD along with the text of the substitute amendment to S. 3421,—I will make a few remarks about three provisions of note that I have championed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**JOINT EXPLANATORY STATEMENT ON AMENDMENT TO SENATE BILL, S. 3421, AS AMENDED**

S. 3421, as amended, the "Veterans Benefits, Healthcare, and Information Technology Act of 2006," reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 109th Congress: H.R. 1220, as amended, H.R. 3082, as amended, H.R. 5815, as amended, H.R. 5835, as amended, H.R. 6314, H.R. 6342 (House Bills) and S. 716, S. 1182, as amended, S. 2694, as amended, and S. 3421, as amended (Senate Bills).

H.R. 1220, as amended, passed the House on July 13, 2005; H.R. 3082, as amended, passed the House on July 24, 2006; H.R. 5815, as amended, passed the House on September 13, 2006; H.R. 5835, as amended, passed the House on September 26, 2006; H.R. 6314 passed the House on November 14, 2006; H.R. 6342 passed the House on December 6, 2006 and passed the

Senate on December 7, 2006; S. 716 passed the Senate on December 22, 2005; S. 1182, as amended, passed the Senate on December 22, 2005; S. 2694, as amended, passed the Senate on August 3, 2006; and S. 3421 passed the Senate on September 26, 2006.

The Committees have prepared the following explanation of S. 3421, as further amended, to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

**TITLE I—ATTORNEY REPRESENTATION MATTERS**

**ATTORNEY REPRESENTATION IN VETERANS' BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS**

*Current law*

Chapter 59 of title 38, United States Code, establishes policies and procedures with respect to individuals acting as agents and attorneys before the Department of Veterans Affairs (VA). Section 5901 of title 38, United States Code, generally requires that any agent or attorney be recognized by the Secretary in order to act in the preparation, presentation, or prosecution of a claim before VA. Section 5902(a) of title 38, United States Code, authorizes the Secretary to recognize representatives of certain organizations to act in that capacity for claims before VA and section 5903 of title 38, United States Code, authorizes the Secretary to recognize an individual for purposes of a specific claim before VA. Section 5904(a) of title 38, United States Code, provides general authority for the Secretary to recognize agents or attorneys to act as representatives in the preparation, presentation, and prosecution of claims before VA. To be recognized under section 5904(a) of title 38, United States Code, the Secretary may require that the individual show that he or she is of good moral character and in good repute, is qualified, and is competent. For agents or attorneys recognized under section 5904(a) of title 38, United States Code, the Secretary is authorized to suspend or exclude the individual from practicing before VA for any of the reasons set forth in section 5904(b) of title 38, United States Code. Section 5904(c) of title 38, United States Code, generally provides that an agent or attorney may not charge a fee for services "provided before the date on which the Board of Veterans' Appeals first makes a final decision in a case." Section 5905 of title 38, United States Code, specifies that individuals may be fined or imprisoned for impermissibly charging, soliciting, or receiving a fee other than as provided in section 5904(c) of title 38, United States Code.

*Senate bill*

Section 101(a)(1) of S. 2694, as amended, would add three new subparagraphs to section 5904(a) of title 38, United States Code. New subparagraph (2) would authorize the Secretary to issue regulations prescribing qualifications and standards of conduct that individuals must satisfy to be recognized under section 5904(a) of title 38, United States Code, including having a specified level of experience or specialized training. New subparagraph (3) would authorize the Secretary to issue regulations setting forth reasonable restrictions on the amount of fees that an agent or attorney may charge for services rendered in connection with a claim before VA. New subparagraph (4) would authorize the Secretary to charge a periodic registration fee to agents or attorneys recog-

nized under section 5904(a) of title 38, United States Code, in order to help defray any costs to VA in collecting such fees, recognizing individuals under section 5904(a) of title 38, United States Code, administering the payment of fees, and overseeing agents or attorneys.

Section 101(a)(2) and (3) of S. 2694, as amended, would amend sections 5902 and 5903 of title 38, United States Code, to subject individuals recognized under those sections to suspension from practice before VA for any of the reasons specified in section 5904(b) of title 38, United States Code. Section 101(b) of S. 2694, as amended, would amend section 5904(b) of title 38, United States Code, to allow the Secretary to suspend an individual from practicing before VA if the individual presents frivolous claims, issues, or arguments to VA or fails to comply with any other conditions specified by the Secretary in regulations. Those new bases for suspension, as well as the bases currently listed in section 5904(b) of title 38, United States Code, would apply to any individual recognized under section 5902(a), section 5903, or section 5904(a) of title 38, United States Code.

Section 101(c) of S. 2694, as amended, would repeal the provisions of section 5904(c) of title 38, United States Code, that prohibit agents or attorneys from charging a fee for services rendered prior to the date on which the Board of Veterans' Appeals first makes a final decision in the case. The purpose of this section would be to allow any individual to hire an agent or attorney to represent the individual at any stage of the VA proceedings. As conforming changes, section 101(d) would modify the requirements for attorneys to file fee agreements with VA and section 101(e) would authorize the Secretary to review attorney fee agreements. In addition, section 101(f) would amend 5905 to strike the criminal penalties applicable to an individual who impermissibly solicits, charges, or receives a fee for services provided in connection with a proceeding before VA.

Finally, section 101(g) of S. 2694, as amended, would set forth the effective date for the provisions of section 101. In general, the provisions of section 101 would be effective 6 months after the date of enactment. However, the provisions that would provide additional bases for suspension, repeal the limitation on hiring agents or attorneys, modify the requirements for filing fee agreements, and modify the Secretary's authority to review fee agreements would apply only to claims submitted to VA on or after the effective date.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 101 of the Compromise Agreement generally follows the Senate language, except that it would allow individuals to hire an agent or attorney only after a notice of disagreement has been filed in a case as provided in section 7105 of title 38, United States Code. In addition, the Secretary would be required to prescribe in regulations the qualifications and standards of conduct for recognizing individuals under section 5904(a) of title 38, United States Code. The Secretary also would be required to prescribe in regulations a requirement that an individual recognized under section 5904(a) of title 38, United States Code, annually provide to VA information about all jurisdictions where the individual is admitted to practice law, relevant identification numbers, and a self-certification that the individual is in good standing in all such jurisdictions.

The Compromise Agreement would allow the Secretary to suspend or exclude an individual recognized under section 5904(a) of

title 38, United States Code, from practicing before VA if the individual charges excessive or unreasonable fees and would preclude the agent or attorney from being reinstated unless the excessive fees are refunded to the client. It would also add language to the effect that fees that represent no more than 20 percent of an award of past-due benefits shall be presumed reasonable.

The Compromise Agreement would prohibit the Secretary from recognizing an agent or attorney under section 5904(a) of title 38, United States Code, if the agent or attorney has been suspended or disbarred and would permit the Secretary to suspend or exclude an agent or attorney for that reason.

Finally, the Secretary would be permitted to charge agents or attorneys an assessment in circumstances when a fee for services is provided directly by the Secretary to an agent or attorney from past-due benefits. The assessment would be equal to 5 percent of the amount of such fees to be paid to the agent or attorney, except that the amount of the assessment may not exceed \$100. The Committees intend that these assessments would assist VA with the cost of processing payments of attorneys' fees.

The Compromise Agreement would also require the Secretary to report to the Committees, 42 months after the date of enactment, on the effect of permitting representation, for a fee, after a notice of disagreement is filed, and recommend any changes to that law.

## TITLE II—HEALTH MATTERS

### ADDITIONAL MENTAL HEALTH PROVIDERS

#### *Current law*

Chapter 74 of title 38, United States Code, authorizes VA to hire a wide range of clinical care personnel to provide treatment to veterans who seek health services from the Department. Because the hiring authority is specific to listed medical professionals, VA is not permitted to employ any professional not mentioned in statute.

#### *Senate bill*

Section 5 of S. 1182, as amended, would establish qualifications and add the professions of Marriage and Family Therapist and Licensed Mental Health Counselor to the list of clinical care providers VA is authorized to hire.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 201 of the Compromise Agreement follows the Senate language.

### PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES

#### *Current law*

Section 7451 of title 38, United States Code, prohibits VA from paying the position of Chief Nursing Officer, Office of Nursing Services, at a rate that exceeds the maximum rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

#### *Senate bill*

Section 6 of S. 1182, as amended, would exempt the position of Chief Nursing Officer, Office of Nursing Services, from the provisions of section 7451 of title 38, United States Code.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 202 of the Compromise Agreement follows the Senate language.

### IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES

#### *Current law*

Various provisions in subchapter II, chapter 17 of title 38, United States Code, authorizes VA to provide mental health care and readjustment counseling services to veterans enrolled in the VA health care system.

#### *Senate bill*

Section 8 of S. 1182, as amended, would direct VA to expand and improve programs and services in a number of settings in order to ensure that VA can adequately address the mental health needs of returning servicemen and women, and would authorize the appropriation of \$95,000,000 in each of fiscal years 2006 and 2007 to carry out the provisions contained in this section.

VA would be directed to expand the number of clinical treatment teams principally dedicated to the treatment of PTSD; expand treatment and diagnosis services for substance abuse; expand tele-health initiatives principally dedicated to mental health care in communities located great distances from current VA facilities; improve programs that provide education in mental health treatment to primary care clinicians; and expand the number of Community-Based Outpatient Clinic (CBOC) capable of providing treatment for mental illness.

It would also require VA to ensure that it has the capacity to provide, or monitor the provision of, mental health services at every CBOC in the system. As part of this, VA would be directed to establish performance standards and working environments that give appropriate recognition to the importance of mental health care.

Additionally, require VA to meet the needs of any veteran who entered a VA health care facility seeking mental health or substance abuse treatment and would provide VA the option of using tele-mental health services or contracting to implement the law.

It would require the Secretaries of Defense and Veterans Affairs to establish a joint VA and Department of Defense (DOD) workgroup that would consist of seven experts in the fields of mental health and readjustment counseling from each Department. The workgroup would examine ways to combat stigmas associated with mental health to better educate families of servicemembers about how to deal with such issues, and would require the Departments to report to Congress on their findings.

It would also require VA and DOD to enter into a Memorandum of Understanding to ensure that all separating servicemembers receive mental health and sexual trauma screening.

It would direct VA to establish systemwide guidelines for screening primary care patients for potential mental health issues or disorders, as well as to conduct appropriate training for clinicians of the Department to carry out mental health consultations.

It would require VA's National Center on Post-Traumatic Stress Disorder (PTSD) to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment. It would also direct the two entities to develop joint training and protocols to ensure consistency and authorize the appropriation of \$2,000,000 for fiscal year 2006 for the purpose of carrying out these requirements.

#### *House bill*

H.R. 1588, the Comprehensive Assistance for Veterans Exposed to Traumatic Stress Act of 2005, introduced by Ranking Member Lane Evans, would direct the VA to expand

and enhance mental health care services for veterans.

#### *Compromise agreement*

Section 203 of the Compromise Agreement would incorporate provisions from H.R. 1588 and follow the Senate language that would include only the provisions to require VA to ensure that each CBOC of the Department has the capacity to provide, or monitor the provision of, mental health services; require VA to submit a report to Congress not later than January 31, 2008, on the capacity of the Department to provide mental health services at each CBOC operated by the Department; require VA to establish systemwide guidelines for screening primary care patients for mental health disorders and illnesses, as well as conduct appropriate training for clinicians of the Department to carry out mental health consultations; require VA's National Center on PTSD to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment; direct the two Departments to develop joint training and protocols to ensure consistency; and authorize to be appropriated \$2,000,000 for the purpose of carrying out the collaborative PTSD requirements.

### DISCLOSURE OF MEDICAL RECORDS

#### *Current law*

State and private sector health care providers currently provide such information to Organ Procurement Organizations (OPOs) pursuant to a regulation promulgated by the Department of Health and Human Services under section 1320b-8(a)(1)(A)(iii) of title 42, United States Code. Section 5701(a) and section 7332 of title 38, United States Code, prevent VA from providing OPOs with VA patient names, home addresses and general medical information, and any treatment information for sickle cell anemia, substance abuse, and treatment for HIV infection.

#### *Senate bill*

Section 9 of S. 1182, as amended, would ensure that DOD not violate the Health Insurance Portability and Accountability Act (HIPAA) regulation by providing VA with access to certain medical records of servicemembers while the future VA beneficiary is still on active duty. In addition, the section would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 204 of the Compromise Agreement follows would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor and explicitly include eye and tissue banks as recognized OPOs.

### EXPANSION OF TELE-HEALTH SERVICES

#### *Current law*

No applicable current law.

#### *Senate bill*

Section 11 of S. 1182, as amended, would direct VA to increase the number of Veterans Readjustment Counseling Service (Vet Center) facilities capable of providing health services and counseling through telehealth linkages with other facilities of the Veterans Health Administration (VHA); and require VA to submit a plan to the Committees on Veterans' Affairs of the Senate and the

House of Representatives to implement this requirement at the end of each of fiscal years 2005, 2006, and 2007.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 205 of the Compromise Agreement follows the Senate language with a modification that revises the requirement to implement the plan at the end of fiscal years 2007, 2008, and 2009.

#### STRATEGIC PLAN FOR LONG-TERM CARE

#### *Current law*

Public Law 106-117, the Veterans Millennium Health Care and Benefits Act, among other things, required VA to develop a program of non-institutional long-term care services and mandated that VA maintain the institutional staffing and level of extended care services at, or above, the level of staffing and services during fiscal year 1998.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 13 of S. 1182, as amended, would require VA to publish a strategic plan for long-term care not later than 180 days after the date of enactment.

#### *Compromise agreement*

Section 206 of the Compromise Agreement follows the Senate language.

#### BLIND REHABILITATION OUTPATIENT SPECIALISTS

#### *Current law*

No applicable current law.

#### *Senate bill*

Section 14 of S. 1182, as amended, would require VA to establish Blind Rehabilitation Outpatient Specialists (BROS) at not fewer than 35 additional VA facilities not later than 30 months after the date of enactment.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 207 of the Compromise Agreement follows the Senate language.

#### EXTENSION OF CERTAIN COMPLIANCE REPORTS

#### *Current law*

Section 1706(b)(5)(A) of title 38, United States Code, required VA to submit to the Committees a report on its compliance with the so-called specialized services capacity requirement set forth in section 1706 of title 38, United States Code. Section 542(c)(1) of title 38, United States Code, requires the Advisory Committee on Women Veterans, through 2004, to submit a report to the Secretary of VA not later than July 1 of each even-numbered year on the programs and activities of the Department that pertain to women veterans.

#### *House bill*

Section 5 of H.R. 6342 would reauthorize the biennial report of the Advisory Committee on Women Veterans to submit the biennial report to the VA Secretary.

#### *Senate bill*

Section 15 of S. 1182, as amended, would reestablish the requirement to submit a compliance report through 2006.

#### *Compromise agreement*

Section 208 of the Compromise Agreement contains the Senate language to reestablish the requirement to submit a report on its compliance with specialized services capacity report with a modification to change the date to 2008 and also contains the House lan-

guage that would extend the biennial report of the Advisory Committee on Women Veterans through 2008.

#### PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE

#### *Current law*

No applicable current law.

#### *Senate bill*

Section 401 of S. 2694, as amended, would add a new section to title 38, United States Code, which would authorize VA to designate at least six Parkinson's Disease Research, Education, and Clinical Centers of Excellence (PADRECCs) and at least two Multiple Sclerosis Centers of Excellence (MSCoEs).

#### *House bill*

Section 6 of H.R. 6342 contains a comparable provision.

#### *Compromise agreement*

Section 209 of the Compromise Agreement follows the House language. Both the Senate and House express strong support for VA to continue centralized funding of the PADRECCs and MSCoEs to provide clinical care for veterans and to support the research, education and clinical care work of the centers. The expectation of the managers is that the VA would provide at least \$6,000,000 in FY 2007 and \$6,200,000 in FY 2008 to allow the work of the six established PADRECCs to continue.

#### REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS

#### *Current law*

Section 305(c) and section 306(c) of title 38, United States Code, respectively, limits the terms of office of the Under Secretary for Health and the Under Secretary for Benefits.

#### *Senate bill*

Section 402 of S. 2694, as amended, would repeal the 4-year terms of office for the Under Secretary for Health and Under Secretary for Benefits positions.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 210 of the Compromise Agreement follows the Senate language.

#### MODIFICATIONS TO STATE HOME AUTHORITIES

#### *Current law*

Section 1741 of title 38, United States Code, establishes criteria for VA payments to States for the care of veterans in State veterans' homes. Service-connected veterans residing in State veterans' homes are not eligible to receive a VA medication benefit unless their service-connected disability necessitated the State home care.

There is no comparable provision in current law which speaks to rural access in State veterans' homes.

#### *Senate bill*

Section 403 of S. 2694, as amended, would amend chapter 17 of title 38, United States Code, by inserting a new section 1745. The new section 1745 would require the Secretary to reimburse State veterans' homes for the cost of care of a veteran with a 70 percent or greater service-connected condition and would require that medications be provided, at no cost, to veterans with a 50 percent or greater service-connected disability. Additionally, section 403 would authorize the Secretary to conduct a pilot program to deem a total of 100 beds in non-VA facilities to be eligible for State veterans' home per diem payments.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 211 of the Compromise Agreement follows the Senate language.

#### OFFICE OF RURAL HEALTH

#### *Current law*

No applicable current law.

#### *Senate bill*

Section 404 of S. 2694, as amended, would create an Office of Rural Health in the Office of the Under Secretary for Health.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 212 of the Compromise Agreement follows the Senate language with a modification to also require VA to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives that identifies CBOC and access points identified in the Capital Asset Realignment for Enhanced Services (CARES) May 2004 Decision Document. Section 212 also includes a modification of section 4 of H.R. 5524, the Rural Veterans Health Care Act of 2006.

#### OUTREACH PROGRAM TO VETERANS IN RURAL AREAS

#### *Current law*

No applicable current law.

#### *House bill*

Section 2 of H.R. 5524 would require VA to conduct an extensive outreach program to identify and provide information on eligibility to enroll in VA health care to veterans who reside in rural communities and served in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 213 of the Compromise Agreement follows the House language.

#### PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES

#### *Current law*

Section 1710B of title 38, United States Code, provides for the establishment of non-institutional extended care services to eligible veterans.

#### *Senate bill*

Section 405 of S. 2694 would require VA to conduct a two year pilot program to improve assistance provided to caregivers, particularly in home-based settings and authorize the appropriations of not less than \$5,000,000 for each fiscal year for the purposes of carrying out the pilot program. Special consideration regarding allocations of funds should be given to rural facilities, including those without a long-term care facility of the Department.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 214 of the Compromise Agreement follows the Senate language with a modification to authorize the appropriations of \$5,000,000 for fiscal year 2007 and fiscal year 2008 for the purposes of carrying out the pilot program.

#### EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS

#### *Current law*

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

#### *Senate bill*

Section 2 of S. 716 would authorize 50 additional veterans of OEF and OIF to perform

outreach efforts for Vet Centers; allow these veteran-employees to be assigned to any Vet Center deemed appropriate by the Secretary; and not subject these outreach coordinators to VA's stipulation that these positions be subject to only three years of hiring authority.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 215 of the Compromise Agreement follows the Senate language with a modification to authorize no fewer than 100 additional veterans to perform outreach efforts.

#### CLARIFICATION AND ENHANCEMENT OF BEREAVEMENT COUNSELING

#### *Current law*

Section 1783 of title 38, United States Code, allows VA to provide bereavement counseling to a veteran and to an individual who is a member of the immediate family of a member of the Armed Forces who dies while on active duty.

#### *Senate bill*

Section 3 of S. 716 would provide express authority for Vet Centers to provide bereavement counseling to all immediate family members of a member of the Armed Forces who dies while on active duty.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 216 of the Compromise Agreement follows the Senate language.

#### FUNDING FOR VET CENTER PROGRAM

#### *Current law*

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

#### *Senate bill*

Section 4 of S. 716 would authorize to be appropriated for fiscal year 2006, \$180,000,000 for the provision of readjustment counseling and related mental health services through Vet Centers.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 217 of the Compromise Agreement follows the Senate language with a modification to authorize appropriations for fiscal year 2007 rather than fiscal year 2006.

### **TITLE III—EDUCATION MATTERS**

#### EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

#### *Current law*

Section 3501 of title 38, United States Code, provides that in certain circumstances spouses or children of servicemembers or veterans may be eligible for VA education benefits. In general, the spouse or child of a veteran may be eligible for the Dependents' Educational Assistance program (DEA) if the veteran died from a service-connected disability or is permanently and totally disabled by a service-connected disability. In addition, a spouse or child of an active duty servicemember may be eligible for DEA if the servicemember has been missing in action, captured by a hostile force, or forcibly detained by a foreign power for more than 90 days. However, if the servicemember suffers a severe injury in service and remains on active-duty status pending discharge while receiving treatment, the spouse or child is not eligible for DEA until the servicemember is actually discharged from active duty.

#### *House bill*

Section 3 of H.R. 6342 would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment and is determined by the Secretary of Veterans Affairs to have a total disability permanent in nature incurred or aggravated in the line of duty and is likely to be discharged or released from active duty service for such disability.

#### *Senate bill*

Section 8 of S. 3421, as amended, would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability.

#### *Compromise agreement*

Section 301 of the Compromise Agreement generally follows the House language.

#### RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY

#### *Current law*

Chapters 30, 31, and 32 of title 38, United States Code, provide restoration of lost education benefits under VA education programs to certain recipients called to active duty under title 32, United States Code, (full-time National Guard duty) after September 11, 2001.

#### *House bill*

Section 404 of H.R. 3082, as amended, would restore lost entitlement to individuals receiving education benefits under chapter 35 of title 38, United States Code, who were called to active duty under title 32, United States Code, after September 11, 2001.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 302 of the Compromise Agreement follows the House language.

#### EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NON-ACCREDITED COURSES TO REQUIREMENT OF REFUNDING UN- USED TUITION

#### *Current law*

Section 3676(c) of title 38, United States Code, requires that all non-accredited institutions have a pro-rata refund policy to be approved for veterans' education benefits.

#### *House bill*

Section 401 of H.R. 3082, as amended, would exempt Federal, state or local government institutions or institutions primarily supported by funding from a Federal, state or local government entity from the rule that requires a non-accredited education program to have a pro-rata refund policy.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 303 of the Compromise Agreement follows the House language.

#### EXTENSION OF WORK-STUDY ALLOWANCE

#### *Current law*

Section 3485 of title 38, United States Code, establishes work-study policies for veteran students and eligible dependents. In general, VA work-study students may do the following: prepare or process VA paperwork at schools or VA facilities; assist those providing care providers at VA hospitals and domiciliaries; work at Department of De-

fense facilities in certain circumstances; assist outreach services at State approving agencies; work at State veterans' cemeteries and national cemeteries; or assist care providers at State homes. The authority for work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes expires on December 27, 2006.

#### *House bill*

Section 402 of H.R. 3082, as amended, would extend work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes until June 30, 2007.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 304 of the Compromise Agreement follows the House language.

#### DEADLINE AND PERMANENT REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM

#### *Current law*

Section 3036 of title 38, United States Code, requires both VA and DoD to submit to Congress separate, biennial reports on the operation of the Montgomery GI Bill educational assistance program. The reporting requirement expired on January 1, 2005.

#### *House bill*

Section 4 of H.R. 6342 would require VA and DoD to submit separate reports to Congress no later than 6 months after the date of enactment and repeal the termination of the biennial reporting requirement.

#### *Senate bill*

Section 304 of S. 2694, as amended, contains a similar provision that would reinstate the biennial reporting requirement and extend it until January 1, 2011.

#### *Compromise agreement*

Section 305 of the Compromise Agreement generally follows the Senate language.

#### REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS

#### *Current law*

No applicable current law.

#### *House bill*

Section 403 of H.R. 3082, as amended, would require the Secretary to report to Congress 180 days after enactment of this Act on ways to streamline the administrative processes and procedures of veterans' education benefits.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 306 of the Compromise Agreement follows the House language.

### **TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS**

#### PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL IN- SCRIPTIONS FOR DECEASED DEPENDENT CHIL- DREN OF VETERANS WHOSE REMAINS ARE UN- AVAILABLE FOR BURIAL

#### *Current law*

Section 2306(b) of title 38, United States Code, authorizes the Secretary to furnish, upon request, an appropriate memorial headstone or marker for commemorating an eligible veteran, spouse, or surviving spouse whose remains are unavailable for burial. Such a headstone or marker must be placed in an area of a national cemetery reserved for that purpose, a veterans' cemetery owned by a state, or, in the case of a veteran, in a state, local, or private cemetery. Under section 2306(f) of title 38, United States Code,

when the Secretary has furnished a memorial headstone or marker for an unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker for the surviving spouse of such individual.

#### *House bill*

Section 203 of H.R. 3082, as amended, would authorize the Secretary to furnish a memorial headstone or marker for an eligible dependent child whose remains are unavailable, or, if feasible, add a memorial inscription to an existing headstone or marker provided under section 2603(a) of title 38, United States Code.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 401 of the Compromise Agreement follows the House language.

#### PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES

#### *Current law*

Section 2306(d) of title 38, United States Code, authorizes the Secretary to furnish a government marker to those families who request one for the marked grave of a veteran buried at a private cemetery, who died on or after September 11, 2001. The authority expires on December 31, 2006.

#### *House bill*

Section 202 of H.R. 3082, as amended, would make permanent the Secretary's authority to furnish a government marker or headstone, and would expand the program to include veterans who died between November 1, 1990 and September 10, 2001.

#### *Senate bill*

Section 203 of S. 2694 contains a similar provision.

#### *Compromise agreement*

Section 402 of the Compromise Agreement would extend the program to December 31, 2007.

#### ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS

#### *Current law*

Section 2408 of title 38, United States Code, authorizes the Secretary to make grants to states to assist them in establishing, expanding, or improving State veterans' cemeteries.

#### *House bill*

Section 201 of H.R. 3082, as amended, would authorize the Secretary to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries on trust lands. The tribal organization would be required to submit the necessary grant application and meet related prerequisites similar to any state applicant.

#### *Senate bill*

Section 201 of S. 2694, as amended, contains a similar provision.

#### *Compromise agreement*

Section 403 of the Compromise Agreement contains this provision.

#### REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY

#### *Current law*

No applicable current law.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 202 of S. 2694, as amended, would direct the Secretary of the Army to remove

the remains of Russell Wayne Wagner from Arlington National Cemetery and establish procedures that the Secretary must follow in carrying out this directive. In addition, section 202 would make several Congressional findings, including a finding that Russell Wayne Wagner is the only individual convicted of a capital offense who has been interred or inurned in Arlington since 1997, the year Congress first expressed its intent to keep the remains of such offenders out of national cemeteries.

#### *Compromise agreement*

Section 404 of the Compromise Agreement generally follows the Senate language.

#### TITLE V—HOUSING AND SMALL BUSINESS MATTERS

##### RESIDENTIAL COOPERATIVE HOUSING UNITS

#### *Current law*

Under the provisions of chapter 37 of title 38, United States Code, VA is authorized to guarantee loans for eligible veterans and survivors to buy or build a home; to buy a residential condominium; to repair, alter or improve a home; to refinance an existing home loan; to buy a manufactured home with or without a lot; to buy and improve a manufactured home lot; to install a solar heating or cooling system or other weatherization improvements; or to buy a home and install energy-efficient improvements. Current law does not include the purchase of stock in a cooperative housing corporation (cooperative) amongst the home loans VA may guarantee.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 601 of S. 2694, as amended, would extend VA's authority to guarantee loans to the purchase of stock or membership in a cooperative.

#### *Compromise agreement*

Section 501 of the Compromise Agreement generally follows the Senate language; however, the authority for VA to guarantee share loans in cooperatives would terminate 5 years after the date of enactment.

#### DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS

#### *Current law*

Under current law, VA is required to comply with title 15, United States Code, which establishes policies with respect to aid to small businesses. Title 38, United States Code, does not contain any requirements for the Secretary with regard to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

#### *House bill*

Section 101 of H.R. 3082, as amended, would add a new section 8127 to title 38, United States Code, to govern how VA contracts with veteran and service-disabled veteran-owned small businesses desiring to contract with VA.

New section 8127 would require the Secretary to establish contracting and subcontracting goals for each fiscal year for contracts with small businesses owned and controlled by veterans and service-disabled veterans. Performance appraisals of senior officials and Assistant Secretaries with procurement authority would be required to include whether the annual contracting goals of their administrations or organizations were met. VA would be required to conduct reviews of contracts and subcontracts to verify that contracts and subcontracts were actually awarded to veterans' businesses as outlined in their contract or subcontract.

VA would be allowed to award non-competitive contracts to small businesses owned and controlled by veterans when the amount of the contract is below the simplified acquisition threshold as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. §403). Further, contracting officers would be allowed, but not required, to award sole source contracts to small businesses owned and controlled by veterans to meet the annual goal set by the Secretary for contracts above the simplified acquisition threshold but below \$5,000,000. Contracting officers would retain the option to restrict competition to small businesses owned and controlled by veterans if the contracting officer has an expectation that two or more such businesses owned by veterans will submit offers for the contract including all contracts exceeding \$5,000,000.

To be awarded a contract under the new section small businesses owned and controlled by veterans would be required to be listed in a database of veteran-owned and service-disabled veteran-owned small businesses maintained by the Secretary. The Secretary would verify that each small business is owned and controlled by a veteran and in the case of a service-disabled veteran, the veteran's service-disabled status. New section 8127 would make the database available to all Federal departments and agencies and determine whether certain types of information would be restricted to the public. New section 8127 would also bar any small business that misrepresented itself to the Department as a small business owned and controlled by a veteran or service-disabled veteran from contracting with the Department for a period of 5 years.

A small business owned and controlled by one or more veterans would continue to be recognized as such after the death of a veteran if a surviving spouse of a veteran acquires a majority ownership interest. This small business would be recognized as a veteran-owned or service-disabled veteran-owned small business until the earliest of the following: (a) the date on which the surviving spouse remarries; (b) the date the surviving spouse relinquishes ownership; or (c) 10 years after the date of the veteran's death.

New section 8127 would give preference to small businesses owned and controlled by veterans relative to other set-aside groups and within other set-aside groups when another set-aside contracting preference category is being used by VA.

The Secretary would be required to provide quarterly reports to the Committees that would include percentage of contracts awarded by the Department and each Administration of the Department to small businesses owned and controlled by veterans and service-disabled veterans.

Finally, section 101 of H.R. 3082, as amended, would provide a transition rule that would allow small businesses currently listed on VA's current database of veteran-owned small businesses to retain veteran-owned status. After one year, the business may be removed if found not to be a small business owned and controlled by one or more veterans. The Comptroller General would be required to conduct a study on the efforts of the Secretary to meet the goals established in section 8127 for the first 3 fiscal years after date of enactment and report to Congress on January 31 of each such year. Not later than 90 days after the end of the study, the Comptroller General would be required to submit a report to Congress on the findings of the study.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 502 of the Compromise Agreement generally follows the House language except

for the following: (1) senior VA officials performance appraisals would not include contracting goals; (2) a small business owned and controlled by a veteran would continue to be recognized as such only if the veteran was rated as 100 percent service disabled or died due to a service-connected disability; (3) the Secretary would be required to give annual reports to the Committees; (4) and the Comptroller General would be required to brief the Committees on the efforts of the Secretary for the first 3 fiscal years and report 180 days after the end of the time period.

The Committees are fully aware that the Department has several statutory small business set-aside procurement goals and that the process of meeting those goals is accomplished throughout a fiscal year. The Committees also understand that meeting the various goals is done in parallel, not sequentially. For example, the Committees recognize that for a given acquisition, there may not be any qualified veteran or service-disabled veteran-owned businesses, however there may be qualified businesses from another set-aside authority that could fulfill the contract.

The intent of this provision in the Compromise Agreement is to emphasize the importance of meeting the contracting goals for veteran and service-disabled veteran-owned businesses by giving those competitive parity with other set-aside categories. The Committees also seek to give contracting officers the tools to meet veteran and service-disabled veteran-owned business set-aside goals.

The Committees anticipate that acquisition officials will exercise reasonable judgment when attempting to meet the several set-aside goals including giving "preference" to veteran or service-disabled veteran-owned businesses. The goals for veteran and service-disabled veteran owned businesses are not in any way intended to prevent attainment of other set-aside goals.

#### DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES

##### *Current law*

Title 38, United States Code, does not require the Secretary to give preferences to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

##### *House bill*

Section 102 of H.R. 3082, as amended, would create a new section 8128 that would give priority to small businesses owned and controlled by veterans.

##### *Senate bill*

The Senate Bills contain no comparable provision.

##### *Compromise agreement*

Section 503 of the Compromise Agreement follows the House language.

#### **TITLE VI—EMPLOYMENT AND TRAINING MATTERS**

##### TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' TRAINING INSTITUTE REQUIRED

##### *Current law*

Section 4102A of title 38, United States Code, sets the conditions for the funds that states receive to carry out employment services for veterans. Training for Disabled Veterans' Outreach Program Specialists (DVOPS) and Local Veterans' Employment Representatives (LVERs) by the National Veterans' Training Institute (NVTI) is not required under current law as a condition for funds.

##### *House bill*

Section 304 of H.R. 3082, as amended, would, as a condition of a grant or contract from the Veterans Employment and Training Service (VETS), require all new DVOPS or LVERs to complete training provided by NVTI within 3 years of designation as or being assigned the duties of a DVOPS or LVER. If the Secretary of Labor did not provide an exception to a state, the Secretary may reduce the amount of the grant or contract for the state for non-compliance. The states would be required to submit information on employee training at NVTI to VETS. Employees designated or assigned the duties of DVOPS and LVERs with 5 years of service would be exempt from the requirement and those with less than 5 years would be required to complete training within 5 years of the date of enactment of this provision.

##### *Senate bill*

The Senate Bills contain no comparable provision.

##### *Compromise agreement*

Section 601 of the Compromise Agreement generally follows the House language except that the Secretary would be authorized to establish reasonable exceptions to the required completion of the training at NVTI. The Compromise Agreement would require any DVOPS or LVERs, who are designated as such on or after January 1, 2006, to complete the required training within 3 years after the date on which the employee was so designated.

##### RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

##### *Current law*

Section 4103A of title 38, United States Code, establishes that employees hired as DVOPS may be employed as full- or part-time. Section 4104 of title 38, United States Code, establishes that employees hired as LVERs may be employed as full-time or part-time.

##### *House bill*

Section 302 of H.R. 3082, as amended, would clarify that part-time employment of DVOPS and LVERs may not be less than half-time only employment.

##### *Senate bill*

The Senate Bills contain no comparable provision.

##### *Compromise agreement*

Section 602 of the Compromise Agreement follows the House language.

##### PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES

##### *Current law*

Section 4112 of title 38, United States Code, allows states to provide performance incentive awards to DVOPS and LVERs for quality employment, training, and placement services to veterans.

##### *House bill*

Section 307 of H.R. 3082, as amended, would allow the Assistant Secretary of VETS to provide incentive awards to employment service offices as well as eligible employees.

##### *Senate bill*

The Senate Bills contain no comparable provision.

##### *Compromise agreement*

Section 603 of the Compromise Agreement follows the House language.

##### DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS

##### *Current law*

No applicable current law.

##### *House bill*

Section 309 of H.R. 3082, as amended, would establish a new section, 4114, in title 38, United States Code, that would require VETS to begin a program to promote credentialing and licensing of veterans in occupations related to their military training and experience. VETS would be required to identify a minimum of 10 military occupational specialties to begin the program. New subsection 4114 would allow the Assistant Secretary for VETS to enter into a contract to carry out the demonstration project. The demonstration project would be required to begin 60 days after date of enactment and end on September 30, 2009, and would authorize \$1,000,000 for each of the fiscal years 2007 through 2009 of appropriated funds for the demonstration project.

Finally, section 309 of H.R. 3082, as amended, would add a representative of the National Governors Association to the Advisory Committee on Veterans Employment, Training, and Employer Outreach at the Department of Labor.

##### *Senate bill*

The Senate Bills contain no comparable provision.

##### *Compromise agreement*

Section 604 of the Compromise Agreement generally follows the House language except the Secretary of Labor would be given the discretionary authority to begin the demonstration project utilizing unobligated funds.

The Committees expect that the Department will choose military occupational specialties within high-growth industries such as transportation, information technology, and hospitality.

##### DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATION FOR PRIORITY OF SERVICE FOR VETERANS

##### *Current law*

No applicable current law.

##### *House bill*

Section 308 of H.R. 3082, as amended, would require the Secretary of Labor to promulgate regulations on the implementation of priority of service as required by Public Law 107-288 for veterans in all Department of Labor programs not later than 1 year after date of enactment.

##### *Senate bill*

The Senate Bills contain no comparable provision.

##### *Compromise agreement*

Section 605 of the Compromise Agreement generally follows the House language except the Secretary would be required to promulgate the regulations not later than 2 years after date of enactment.

#### **TITLE VII—HOMELESS VETERANS ASSISTANCE**

##### REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS

##### *Current law*

Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act (HVCA) of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

##### *House bill*

The House Bills contain no comparable provision.

##### *Senate bill*

Section 501 of S. 2694, as amended, would restate the goal of Congress to end homelessness among veterans within the time frame established under the HVCA Act.

##### *Compromise agreement*

Section 701 of the Compromise Agreement follows the Senate language.



SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS

#### *Current law*

Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 502 of S. 2694, as amended, expresses the sense of Congress on the needs of homeless veterans in America and the expectation for the Federal government's response to those needs.

#### *Compromise agreement*

Section 702 of the Compromise Agreement follows the Senate language.

AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS

#### *Current law*

Section 2011 of title 38, United States Code, authorizes VA to make grants to assist eligible entities in establishing comprehensive service programs to assist homeless veterans.

#### *House bill*

Section 2 of H.R. 6342 would extend VA's authority for the Homeless Grant and Per Diem Program to September 30, 2007.

#### *Senate bill*

Section 503 of S. 2694, as amended, would provide permanent authority for the Homeless Grant and Per Diem Program and would increase the amount of funds authorized for these efforts to \$130,000,000 for fiscal year 2007 and each fiscal year thereafter.

#### *Compromise agreement*

Section 703 of the Compromise Agreement follows the Senate language.

EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

#### *Current law*

Section 2031 and 2033(d) of title 38, United States Code, authorizes VA to provide treatment and rehabilitation services for seriously mentally ill and homeless veterans.

#### *House bill*

Section 2 of H.R. 6342 would extend VA's authority for the treatment and rehabilitation for seriously mentally ill and homeless veterans to December 31, 2007.

#### *Senate bill*

Section 504 of S. 2694, as amended, would extend the authority to operate special programs for homeless veterans through December 31, 2011.

#### *Compromise agreement*

Section 704 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES

#### *Current law*

Section 2041 of title 38, United States Code, authorizes VA to assist homeless veterans and their families in acquiring shelter via agreements to sell, lease, lease with an option to purchase, or donate real property, and improvements thereon, acquired as the result of a default on a loan made, insured, or guaranteed under 38 U.S.C. section 2001 et seq.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 505 of S. 2694, as amended, would extend this program through December 31, 2011.

#### *Compromise agreement*

Section 705 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS

#### *Current law*

Section 2061 of title 38, United States Code, authorizes VA to operate a program through which it makes grants to homeless veteran service providers specifically for the purpose of encouraging those entities to provide unique services to special needs populations.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 506 of S. 2694, as amended, would extend VA's authority to operate this program through 2011 and increase the annual authorized expenditure amount to \$7,000,000 through the same time period.

#### *Compromise agreement*

Section 706 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM

#### *Current law*

Section 2064 of title 38, United States Code, requires VA to carry out a program to make grants to organizations with expertise in preparing grant applications to provide technical assistance to non-profit community-based groups in order to assist such groups in applying for grants under VA's homeless grant and per diem program.

#### *Senate bill*

Section 507 of S. 2694, as amended, would extend funding for homeless veteran service providers technical assistance program through 2012 and increase the annual authorized expenditure amount to \$1,000,000 through the same time period.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 707 of the Compromise Agreement follows the Senate language.

ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS

#### *Current law*

Section 2065 of title 38, United States Code, requires VA to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the activities of the Department to assist homeless veterans during the calendar year preceding the report.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 508 of S. 716 would add a requirement to this annual report to include findings of identified redundancies and gaps in government-wide, homeless assistance coordination efforts so that duplication can be eliminated and gaps can be filled.

#### *Compromise agreement*

Section 708 of the Compromise Agreement follows the Senate language.

ADVISORY COMMITTEE ON HOMELESS VETERANS

#### *Current law*

Section 2066 of title 38, United States Code, establishes a VA Advisory Committee on Homeless Veterans.

#### *Senate bill*

Section 509 of S. 2694, as amended, would add two new ex-officio members to the Advisory Committee, the Under Secretaries of Health and Benefits or their designated representative; add the Executive Director of the President's Interagency Council on Homelessness as a member to the Advisory Committee; and authorize the Advisory Committee's continuation through September 30, 2011.

#### *House bill*

Section 2 of H.R. 6342 would extend the Advisory Committee on Homeless Veterans to December 31, 2007.

#### *Compromise agreement*

Section 709 of the Compromise Agreement follows the Senate language with a modification to extend the Advisory Committee through December 31, 2011.

RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM

#### *Current law*

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)), authorizes the Secretary of Housing and Urban Development to set aside specified amounts for use only for providing supported housing assistance administered in conjunction with the Department of Veterans Affairs. The program provides rental assistance on behalf of homeless veterans who have chronic mental illness or chronic substance abuse disorders. Continued treatment for such illness or disorder and appropriate case management is a condition for receipt of the rental assistance.

#### *House bill*

The House Bills contain no comparable provision.

#### *Senate bill*

Section 510 of S. 2694, as amended, would authorize 500 vouchers for fiscal year 2007; 1,000 vouchers for fiscal year 2008; 1,500 vouchers for fiscal year 2009; 2,000 vouchers for fiscal year 2010; and 2,500 vouchers for fiscal year 2011.

#### *Compromise agreement*

Section 710 of the Compromise Agreement follows the Senate language.

### **TITLE VIII—CONSTRUCTION MATTERS**

#### **SUBTITLE A—CONSTRUCTION AND LEASE AUTHORITIES**

AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS

#### *Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of appropriations for VA major medical facility projects.

#### *House bill*

Section 3 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with Louisiana State University (LSU) and \$100,000,000 for advance planning and design and site preparation for a co-located, joint-use major medical facility project in or near New Orleans, Louisiana.

Section 2 of H.R. 5815, as amended, would authorize \$310,000,000 for the restoration of the Department of Veterans Affairs Medical Center (VAMC), Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and require the project be carried out as part of a joint-use facility shared by VA with Keesler Air Force, Biloxi, Mississippi.

Section 5 of H.R. 5815, as amended, would authorize \$98,000,000 for the Secretary to enter into an agreement to purchase a site for the replacement of the VAMC, Denver, Colorado; and require the Secretary to report to the Committees on Veterans' Affairs

of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

Senate bill

Section 1(1) of S. 3421 would authorize \$636,000,000 for the restoration, new construction or replacement of the VAMC in New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report.

Section 1(2) of S. 3421 would authorize \$310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi.

Section 1(3) of the Senate Bill would authorize \$98,000,000 for the replacement of the VAMC, Denver, Colorado.

Compromise agreement

Section 801 of the Compromise Agreement would authorize \$300,000,000 for the restoration, new construction or replacement of the VAMC in or near New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report; \$310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and \$98,000,000 for the replacement of the VAMC, Denver, Colorado and require the Secretary to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the

current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE

Current law

Section 221 of Public Law 108-170 provided the Secretary of Veterans Affairs the authority to enter into a contract to carry out approved major construction projects as specified in the final report of the Capital Asset Realignment for Enhanced Services Commission through September 30, 2006.

House bill

Section 6 of H.R. 5815, as amended, would authorize 17 major medical facility construction projects that were previously authorized under Public Law 108-170 as follows:

Location	Purpose	Cost
Anchorage, AK .....	outpatient clinic and regional office .....	\$75,270,000
Cleveland/Brecksville, OH .....	clinical/administrative consolidation .....	\$102,300,000
Des Moines, IA .....	extended care building .....	25,000,000
Durham, NC .....	renovation of patient wards .....	9,100,000
Gainesville, FL .....	correct patient privacy deficiencies .....	85,200,000
Indianapolis, IN .....	floor wards modernization .....	27,400,000
Las Vegas, NV .....	new medical center facility .....	406,000,000
Lee County, FL .....	ambulatory diagnostic support center .....	65,100,000
Long Beach, CA .....	seismic corrections .....	107,845,000
Los Angeles, CA .....	seismic corrections .....	79,900,000
Orlando, FL .....	new medical center facility .....	377,700,000
Pittsburgh, PA .....	consolidation of campuses .....	189,205,000
San Antonio, TX .....	ward upgrades and expansion .....	19,100,000
Syracuse, NY .....	new spinal cord injury center .....	77,700,000
Tampa, FL .....	upgrade electrical distribution systems .....	49,000,000
Tampa, FL .....	expand spinal cord injury center .....	7,100,000
Temple, TX .....	blind rehab/psychiatric renovation .....	56,000,000

Senate bill

Section 2 of S. 3421 would extend the date for contract award from September 30, 2006,

to September 30, 2009, for 18 major medical facility construction projects that were pre-

viously authorized under Public Law 108-170 as follows:

Location	Purpose	Cost
Anchorage, AK .....	outpatient clinic and regional office .....	\$75,270,000
Cleveland/Brecksville, OH .....	clinical/administrative consolidation .....	\$102,300,000
Des Moines, IA .....	extended care building .....	25,000,000
Durham, NC .....	renovation of patient wards .....	9,100,000
Gainesville, FL .....	correct patient privacy deficiencies .....	85,200,000
Indianapolis, IN .....	floor wards modernization .....	27,400,000
Las Vegas, NV .....	new medical center facility .....	406,000,000
Lee County, FL .....	ambulatory diagnostic support center .....	65,100,000
Long Beach, CA .....	seismic corrections .....	107,845,000
Los Angeles, CA .....	seismic corrections .....	79,900,000
Orlando, FL .....	new medical center facility .....	377,700,000
Pittsburgh, PA .....	consolidation of campuses .....	189,205,000
San Antonio, TX .....	ward upgrades and expansion .....	19,100,000
San Juan, PR .....	seismic corrections .....	15,000,000
Syracuse, NY .....	spinal cord injury center .....	53,900,000
Tampa, FL .....	upgrade electrical distribution systems .....	49,000,000
Tampa, FL .....	expand spinal cord injury center .....	7,100,000
Temple, TX .....	blind rehab/psychiatric renovation .....	56,000,000

Compromise agreement

Section 802 of the Compromise Agreement follows the House language. The Committees note that the need for some of these projects was determined based on initial CARES results. VA has subsequently begun detailed studies at a number of sites. In some locations, these studies have led to modified plans. In an effort to avoid the unnecessary expenditure of scarce resources VA should defer any action on the design or construction of these projects until related ongoing

studies are complete and these studies support the need for the expenditure of funds authorized by this section. The Committees understand that it is VA's policy to defer construction until final decisions are made. The Committees support this approach and expect this policy to remain in place.

AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA major medical facility construction project.

Senate bill

Section 3 of S. 3421 would authorize the following major construction projects for fiscal year 2007:

Location	Purpose	Cost
American Lake, WA .....	seismic corrections, nursing home .....	\$38,220,000
Columbia, MO .....	operating suite replacement .....	25,830,000
Fayetteville, AR .....	new clinical addition .....	56,163,000
Milwaukee, WI .....	new spinal cord injury center .....	32,500,000
St. Louis, MO .....	medical facility improvements and cemetery expansion .....	69,053,000

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 803 of the Compromise Agreement follows the Senate language.

AUTHORIZATION OF ADVANCED PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any

VA major medical facility construction project.

House bill

Section 4 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with the Medical University of

South Carolina (MUSC) to design, construct, and operate a co-located joint-use medical facility in Charleston, South Carolina, and would place a limitation of \$70,000,000 on the use of funds for advance planning and design of such a facility. The Committee report accompanying H.R. 5815, as amended, (H. Rpt. 109-643) discussed the final report of a Collaborative Opportunities Steering Group established to evaluate the prospects for construction involving VA and MUSC and highlighted and discussed two options in that report, Models A and A-1, as most viable.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 804 of the Compromise Agreement follows the House language to authorize the Secretary to enter into an agreement with MUSC to design and plan for the operation of a co-located joint-use medical facility in Charleston, South Carolina. The amount authorized for advance planning and design of such a facility is reduced to \$36,800,000. This change reflects the Committees agreement that Model A is not viable and that Model A-1 is the model which should be reviewed. The Committees also note their agreement with the statement in the House Committee report that, because of the limitation of the funding to advance planning and design, VA would be required to seek additional, specific authorization for the construction of a facility in Charleston, SC, consistent with section 8104 of title 38, United States Code.

#### AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES

#### *Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than \$600,000.

#### *Senate bill*

Section 4 of S. 3421 would authorize the following leases:

Location	Purpose	Cost
Baltimore, MD .....	outpatient clinic .....	\$10,908,000
Evansville, IN .....	outpatient clinic .....	8,989,000
Smith County, TX .....	outpatient clinic .....	5,093,000

#### *House bill*

Section 7(a) of H.R. 5815, as amended, contains a similar provision.

#### *Compromise agreement*

Section 805 of the Compromise Agreement contains this provision.

#### AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES

#### *Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than \$600,000.

#### *Senate bill*

Section 5 of S. 3421, as amended, would authorize the following leases:

Location	Purpose	Cost
Austin, TX .....	outpatient clinic .....	\$6,163,000
Lowell, MA .....	outpatient clinic .....	2,520,000
Grand Rapids, TX .....	outpatient clinic .....	4,409,000
Las Vegas, NV .....	up to four outpatient clinics .....	8,518,000
Parma, OH .....	outpatient clinic .....	5,032,000

#### *House bill*

Section 7(b) of H.R. 5815 contains a similar provision.

#### *Compromise agreement*

Section 806 of the Compromise Agreement contains this provision.

#### AUTHORIZATION OF APPROPRIATIONS

#### *Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of ap-

propriations for VA major medical facility projects.

#### *House bill*

Section 8 of H.R. 5815, as amended, would authorize \$578,000,000 for fiscal year 2006 major medical facility projects; \$1,758,920,000 for fiscal year 2007 for projects under CARES; \$24,990,000 for fiscal year 2006 leases; and \$26,642,000 for fiscal year 2007 leases.

#### *Senate bill*

Section 6 of S. 3421 would authorize \$998,000,000 for fiscal year 2006 major medical facility projects; \$1,750,120,000 for fiscal year 2007 for projects under CARES; \$221,766,000 for fiscal year 2007 major medical facility projects; \$24,990,000 for fiscal year 2006 leases; and \$26,642,000 for fiscal year 2007 leases.

#### *Compromise agreement*

Section 807 of the Compromise Agreement would authorize \$708,000,000 for the projects in section 801; \$1,758,920,000 for the projects whose authorization is extended by section 802; \$221,766,000 for the projects authorized in section 803; \$36,800,000 for the advanced planning and design authorized in section 804; \$24,990,000 for the leases authorized in section 805 and \$26,642,000 for the leases authorized in section 806.

#### SUBTITLE B—FACILITIES ADMINISTRATION DIRECTOR OF CONSTRUCTION AND FACILITIES MANAGEMENT

#### *Current law*

No applicable current law.

#### *House bill*

Section 11 of H.R. 5815, as amended, would establish within the VA the position of Director, Construction and Facilities Management; require that the individual appointed meet certain qualifications; and mandate that this position have responsibility for Department-wide construction and facility management.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 811 of the Compromise Agreement follows the House language.

#### INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS

#### *Current law*

Section 8104 of title 38, United States Code, defines a major medical facility project as a project for construction, alteration, or acquisition of a medical facility involving a total expenditure of more than \$7,000,000.

#### *Senate bill*

Section 7 of S. 3421, as amended, would raise the threshold for major medical facility projects from \$7,000,000 to \$10,000,000.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 812 of the Compromise Agreement follows the Senate language and would raise the threshold for major medical facility projects from \$7,000,000 to \$10,000,000.

#### LAND CONVEYANCE, TOWER PARK, FORT THOMAS, KENTUCKY

#### *Current law*

No applicable current law.

#### *Senate bill*

Section 18 of S. 1182 would allow the VA to transfer certain historic properties on the Fort Thomas, KY campus of the Cincinnati VAMC to the city of Fort Thomas for fair market value.

#### *House bill*

Section 10 of H.R. 5815 contains a similar provision.

#### *Compromise agreement*

Section 813 of the Compromise Agreement follows the House language.

#### SUBTITLE C—REPORTS ON MEDICAL FACILITY IMPROVEMENTS

#### REPORT ON OPTIONS FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO

#### *Current law*

No applicable current law.

#### *House bill*

Section 9 of H.R. 5815, as amended, would express the sense of Congress that the need for medical facility improvements in San Juan, Puerto Rico, is not being adequately addressed and requires the VA to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC in San Juan, Puerto Rico, not later than 180 days after the date of enactment.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 821 of the Compromise Agreement follows the House language with a modification to eliminate the sense of Congress language.

#### BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS

#### *Current law*

No applicable current law.

#### *House bill*

Section 12 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a business plan for enhanced access to outpatient care for primary, mental health and specialty care through new sites of care, expansions at existing sites, use of existing authority and policies to contract for care where necessary, and increased use of telemedicine in each of the following areas: (1) the Lewiston-Auburn area of Maine; (2) the area of Houlton, Maine; (3) the area of Dover-Foxcroft, Maine; and (4) area of Whiteside County, Illinois.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 822 of the Compromise Agreement follows the House language.

#### REPORT ON OPTION FOR CONSTRUCTION OF A DE- PARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA

#### *Current law*

No applicable current law.

#### *House bill*

Section 13 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a report on the options for the construction of a new medical facility in Okaloosa County, Florida.

#### *Senate bill*

The Senate Bills contain no comparable provision.

#### *Compromise agreement*

Section 823 of the Compromise Agreement generally follows the House language with a modification to add a requirement that the feasibility study be carried out in consultation with Secretaries of Defense and Air Force. Additionally, any report provided by

this study would be transmitted to the House and Senate Armed Service Committees.

# **TITLE XI—INFORMATION SECURITY MATTERS**

## **DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY ENHANCEMENT ACT OF 2006**

DEPARTMENT OF VETERANS AFFAIRS  
INFORMATION SECURITY

### *Current law*

No applicable current law.

### *House bill*

Section 4 of H.R. 5835, as amended, would amend Chapter 57 of title 38 to create the Office of the Under Secretary for Information Security and identify the responsibilities of the Chief Information Officer and require an annual report be submitted to the House and Senate Committees on Veterans' Affairs.

Section 5721 of H.R. 5835, as amended, would provide a definition for the following: (1) sensitive personal information; (2) data breach; (3) data breach analysis; (4) fraud resolution services; (5) identity theft; (6) identity theft insurance; and (7) principal credit reporting agency.

Section 5722 of H.R. 5835, as amended, would create the Office of the Under Secretary for Information Services.

Section 5723 of H.R. 5835, as amended would provide the responsibilities of the Chief Information Officer; and a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, on the Department's compliance with FISMA.

Section 5724 of H.R. 5835, as amended, would require the Secretary to submit a report, not later than 30 days after the last day of a fiscal quarter, to the Committees on Veterans' Affairs of the Senate and the House of Representatives, on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter. This report would contain the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach.

Section 5725 of H.R. 5835, as amended, would require Independent Risk Analysis from a non-Department entity or the VA Office of Inspector General, the Secretary provide credit protection services, and notification to an individual whose sensitive personal information is involved in a data breach.

Section 5726 of H.R. 5835, as amended, would provide credit protection services to a covered individual, who, for the purposes of this section, is an individual whose sensitive personal information processed or maintained by the Department (or any third-party entity acting on behalf of the Department) is involved, on or after August 1, 2005, in a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of title 38, United States Code.

Section 5727 of H.R. 5835, as amended would provide for the payment of liquidated damages by contractors in the event of a data breach by the contractor, and provides that amounts collected be used to provide credit protection services to affected individuals.

Section 5728 of H.R. 5835, as amended, would authorize such sums as may be necessary for each fiscal year to be appropriated to carry out this subchapter.

Section 4 of H.R. 5835, as amended, would make clerical amendments, and require the

Secretary to publish regulations to carry out this subchapter not later than 60 days after enactment.

### *Senate bill*

The Senate Bills contain no comparable provision.

### *Compromise agreement*

Section 902 of the Compromise Agreement would establish the Department of Veterans Affairs Information Security Programs and Requirements. This Compromise Agreement eliminated sections 2 and 3 of H.R. 5835, as amended. Section 5721 of the Compromise Agreement would provide the purpose of the Information Security Program.

Section 5722 of the Compromise Agreement would establish policy guidance for the Department Information Security Program and create the elements for the Department Information Security Program.

Section 5723 of the Compromise Agreement would provide the Responsibilities for the (a) Secretary of Veterans Affairs; (b) Assistant Secretary for Information Technology; (c) Associate Deputy Assistant Secretary for Cyber and Information Security; (d) Department Information Owners; (e) other key officials; (f) users of Department Information and Information Systems; and (g) Inspector General of the Department of Veterans Affairs.

Section 5724(a) of the Compromise Agreement would provide Independent Risk Analysis in the event of a data breach with respect to the sensitive personal information that is processed or maintained by the Secretary. If the Secretary determines reasonable risk exists based on the results of the risk analysis under section 5724(a) of the Compromise Agreement, credit protection services would be provided in accordance with the regulations prescribed under section 5724(b).

Section 5724(b) of the Compromise Agreement would also direct the Department of Veterans Affairs to issue implementing regulations not later than 180 days after enactment, and at a minimum address: (1) notification; (2) Data mining; (3) Fraud alerts; (4) Data breach analysis; (5) Credit monitoring; (6) Identity theft insurance; and (7) Credit protection services.

Section 5724(c) of the Compromise Agreement would provide notification to the House and Senate Committees on Veterans' Affairs with a report on the findings of the independent risk analysis. In the event that information maintained by the Department of Defense is included in a VA data breach, the House and Senate Committees on Armed Services would also be provided a report under section 5724(c) of the Compromise Agreement.

Section 5725 provides that contracts for data processing or maintenance contain specific language pertaining to data breaches.

Section 5726 of the Compromise Agreement would require quarterly reports and notice to Congress on data breaches, whereas Section 5723(c) of H.R. 5835, as amended required monthly reports. This provision for quarterly reports may be included as part of other reports to the Committees such as the quarterly reports required of VA in section 222 of Public Law 109-114, the Military Quality of Life and Veterans Affairs Appropriations Act of 2006. Section 5727 of the Compromise Agreement would also include timely reports on a significant data breach of the sensitive personal information held by the Department.

Section 5727 of the Compromise Agreement would provide definitions for terms used in Section 902 of the Compromise Agreement.

Section 5728 of the Compromise Agreement would provide authorization for appropriations.

INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

### *Current law*

No applicable current law.

### *House bill*

Section 7 of H.R. 5835, as amended would add a new chapter 79, "Information Security Education Assistance Program," to title 38, United States Code. Section 7901 of H.R. 5835, as amended, would encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements. Section 7902 of H.R. 5835, as amended, would provide information on the scholarship program, by which the Secretary may award up to five scholarships in any academic year to individuals who did not receive assistance under this section for the preceding academic year. Under section 7903 of H.R. 5835, as amended, the Secretary would be authorized to establish an education debt reduction program for up to five individuals for each fiscal year. Section 7904 of H.R. 5835, as amended, would provide preferences in awarding financial assistance. Section 7905 of H.R. 5835, as amended, would require honorable discharge for veterans receiving assistance. Section 7906, of H.R. 5835, as amended, would require the Secretary to prescribe regulations for the administration of new Chapter 79. Section 7907 of H.R. 5835, as amended, would terminate the authority of the Secretary to make payments under the new Chapter 79 on July 31, 2017.

### *Senate bill*

The Senate Bills contain no comparable provision.

### *Compromise agreement*

Section 903 of the Compromise Agreement generally follows the House language. However, under the Compromise Agreement, the program is voluntary rather than mandatory and would reduce the number of scholarships and participants in the education debt reduction program to a single individual for each program identified under section 903 of the Compromise Agreement. Section 903 of the Compromise Agreement would also make conforming amendments, require a Government Accountability Report on the programs created under this section not later than 3 years after enactment, and apply scholarships with respect to financial assistance for semesters or terms that begin on or after August 1, 2007.

## **TITLE X—OTHER MATTERS**

NOTICE TO CONGRESSIONAL VETERANS

COMMITTEES OF CERTAIN TRANSFERS OF FUNDS

### *Current law*

There are numerous requirements (e.g., Sections 201, 216, 225, 226, and 227 of P.L. 109-114) in current law for VA to notify congressional committees as to actions the Department is undertaking or contemplating undertaking regarding the transfer of appropriations from one account to another account.

### *Senate bill*

The Senate Bills contain no comparable provision.

### *House bill*

The House Bills contain no comparable provision.

### *Compromise agreement*

Section 1001 of the Compromise Agreement would require VA to provide the Committees on Veterans' Affairs of the Senate and House of Representatives with copies of any notifications regarding the transfer of appropriations the Department is required by law to provide to any other Congressional Committee.

CLARIFICATION OF CORRECTIONAL FACILITIES  
COVERED BY CERTAIN PROVISIONS OF LAW

*Current law*

Section 5313 of title 38, United States Code, limits the amount of VA compensation that may be paid to a veteran who is incarcerated in a "Federal, State, or local penal institution" for more than 60 days for conviction of a felony. Sections 1505(a), 3108(g), 3231(d), 3482(g), 3532(e), and 5313A of title 38, United States Code, also limit the provision of certain benefits to veterans, survivors, and dependents who are incarcerated in a "Federal, State, or local penal institution."

*Senate bill*

Section 604 of S. 2694, as amended, would make a technical amendment to section 5313 of title 38, United States Code, to clarify that the limitation set forth in that section does apply to a felon incarcerated in any type of penal facility, including a facility operated by a private contractor. It would make the same clarifying change in all title 38 sections that contain the phrase "Federal, State, or local penal institution."

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 1002 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR HEALTH CARE  
FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING

*Current law*

Section 1710(e)(2)(B)(3) of title 38, United States Code, provides the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2005.

*House bill*

Section 2(a) of H.R. 6342 would extend the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2007.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 1003 of the Compromise Agreement follows the House language.

Mr. CRAIG. Mr. President, currently, veterans and other claimants seeking veterans' benefits may not hire an attorney until the VA administrative proceedings have been completed—a process that often takes several years.

That law flows from a Civil War era policy intended to protect veterans from unscrupulous attorneys. That policy arose at a time—unlike today—when attending law school was not required to become a lawyer and there was no effective professional oversight of lawyers.

In recent months, it has become abundantly clear that many veterans and their survivors want the option of hiring an attorney to help them navigate the increasingly complex VA system. In fact, the prohibition against veterans hiring attorneys is considered to be unfair and outdated by a broad spectrum of individuals and organizations, including veterans' organizations, veterans' advocates, judges, law professors, and bar associations.

For these reasons, I am very pleased that a compromise version of legisla-

tion I authored was accepted that would allow veterans to hire attorneys after a veteran files a Notice of Disagreement with VA's initial decision on their claim.

A provision of S. 3421 will enable the spouses of seriously wounded veterans to obtain educational assistance benefits sooner than they have ever been able to before.

The need for the educational assistance provision was brought to my attention by U.S. Army SFC Jeff Mittman, a young man who was blinded after an attack in Iraq and is being treated at Walter Reed Army Medical Center.

Sergeant First Class Mittman's wife would like to begin receiving educational assistance benefits from the VA while her husband undergoes treatment in order to improve her job opportunities once he is officially discharged from service, but is now prevented from doing so by law. If enacted, S. 3421 would remove that barrier.

Finally, S. 3421 would remove the cremated remains of a convicted double murderer from Arlington National Cemetery.

In the summer of 2005, we learned that the remains of a brutal murderer—Russell Wayne Wagner—were placed in the Nation's preeminent military cemetery, Arlington National Cemetery.

I was appalled to discover that the law enacted in 1997 to deny capital offenders from burial in national cemeteries did not apply to Wagner.

This was also quickly brought to my attention by the Senator from Maryland, BARBARA MIKULSKI. We joined together in that effort. The answer was it couldn't happen, it couldn't be removed because of the law.

While we moved swiftly to close the loophole that permitted Wagner's burial in the first place, the question remained: Should his remains continue to be included among the scores of honored dead in Arlington? For me and Senator MIKULSKI, who joined me in this effort, the answer was "no."

That is why I am so pleased that S. 3421 would direct the Secretary of the Army to remove Wagner's remains from Arlington.

As I stated last summer, we must not dishonor the sacrifices made by those memorialized at our Nation's military cemeteries by including among them individuals who, through their own heinous acts, have grievously dishonored themselves because at another time in their life they were veterans.

S. 3421 is an impressive assortment of legislation. It contains the collective work of more than 44 Senators. I want to take some time to single out a few of them.

Senators BURR and OBAMA for their work on the homeless assistance provisions of the bill; Senators HUTCHISON, FEINSTEIN, GRAHAM, LANDRIEU, and MURRAY for their work on the construction provisions; Senators THUNE,

SALAZAR, and BURR for their work on the rural health components of the bill.

And lastly, the committee's ranking member, and a true friend of veterans, Senator AKAKA.

I ask my colleagues for their vote. And I thank every Senator on the committee and in the Senate for their support in seeing this, and all of the other veterans' bills, through the Senate.

I also want to thank my House colleagues, in particular Chairman BUYER, Ranking Member EVANS, and Acting Ranking Member FILNER. We were able to come together in the spirit of compromise in the final hour on some key provisions, and it is a fitting way to end this Congress.

As we head into a new Congress, I want to extend my best wishes to my friend, and soon-to-be chairman, Senator AKAKA. It has been a pleasure working with a Senator of his quality, and I pledge that as ranking member I will strive to emulate the kindness, cooperation, and "aloha" that he showed me during my time as chairman of this great committee.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend the distinguished chairman of the Committee on Veterans' Affairs. Senator CRAIG has done an outstanding job of making sure the laws that weren't working, where we were not doing what we should be doing to help our veterans, were changed.

He has worked a long time on the bill now coming to its final passage—finally. He has been working on it for 2 years, that I am aware. He has done a terrific job. There is a lot of authorization that is essential to go forward next year on appropriations.

I appreciate the work of the Senator. He is retiring as chairman of the Committee on Veterans' Affairs and going to ranking member. I know his working relationship with the new chairman is such that we will continue to see progress in this area.

MILITARY CONSTRUCTION APPROPRIATIONS

I will talk about the continuing resolution being passed by the House in a few hours that will be sent to the Senate. We will send that bill to the President to meet the midnight deadline so Government can continue to function.

I am talking tonight about this bill with very mixed feelings because I am chairman of the Appropriations Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, and I wanted to pass the full bill, the appropriations for military construction, and I wanted to make sure we covered our veterans' needs. It is an important subcommittee, of which I have served as chairman these last 2 years. I have worked with my ranking member, Senator FEINSTEIN, to assure we had the funding we needed. Senator FEINSTEIN and I were ready to go on our bill. It passed in September. It is a bill that passed unanimously in the Senate. I know everyone agreed we had

covered the bases that need to be covered to do what is right for our military—active duty and the veterans—who have served our country in the past.

Unfortunately, our full bill is not going to pass. It is not going to pass because, first, it was held up in the Senate for appointing conferees, held up by a few Senators who thwarted the majority. I was very disappointed we lost those weeks. Our Appropriations Committee chairman THAD COCHRAN tried, as I, to pry the bill out so we could go to conference and work with the House.

Finally, this week, through the leadership of Senator FRIST and Senator STEVENS from Alaska, the chairman of the Appropriations Subcommittee on Defense, we were able to alleviate all of the concerns raised and get the bill to conference.

Then, unfortunately, the members of the House committee had determined we did not have enough time to conference the bill. I think we did have enough time. We had the time to do all of the construction that should be started right now. However, that is not going to happen.

I would not have allowed this bill to go forward, and I would be speaking against it right now if we did not have a provision in the House-passed continuing resolution that will give budget transfer authority to the Department of Veterans Affairs so that there will be no medical need, no service need, no payment to any veteran that will not be made before this continuing resolution runs out.

If that provision had not been added in the bill, we would not be passing this bill tonight because I would be talking all night to keep it from passing.

I called the Secretary of Veterans Affairs this afternoon, and I asked him if he could assure me that there would be enough money in the accounts from which they could transfer to assure that all of the medical needs, including surges in medical needs, would be able to be given. The Secretary assured me that is the case. The Secretary said they had enough surplus money, enough rainy day fund money, and enough money in the other accounts that they would not hurt the other accounts and they would be able to transfer. He did say that by the time we got to February 15, if we didn't have a full bill, they would be beginning to run into trouble. He gave me his word—and I know his word is good—that if they see some shortfall that would start happening before February 15, and if there is no bill, he would call me immediately, and we would begin to work on a supplemental approach.

I am certainly going to trust his word. Secretary Nicholson has been a man of his word throughout these years I have worked with him. He is a veteran himself, a distinguished veteran. He knows the veterans issues. He cares about veterans. He will call, as he

did last year when he saw a looming shortfall and he asked for help and we gave him the help to assure the veterans' needs would be met. We are going to cover it, and we are going to do it in a way that will assure that the medical care is given.

I have to say, I am disappointed we are going to adjourn without completing the full bill, without completing the military construction so it can start right away, without completing the appropriations and the priorities that we are putting in the next year for veterans. I know they will not suffer in any way because Secretary Nicholson assured me of that.

I will be watching. I will be staying on top of the VA's financial situation throughout this period that the continuing resolution is going to run, to the middle of February. If a problem arises, I will not stop advocating for the supplemental appropriation that will be necessary to assure we have the funding we need.

We will work together in this Congress to assure that the men and women who are protecting our freedom, as we speak today, get the quality of life they deserve. We will continue to work together to assure that the veterans who have served our country, who have answered the call of our country, are given everything to which they are entitled and which we owe them.

I am going to be the ranking member of this subcommittee next year, having served as chairman for 2 years with a wonderful ranking member, Senator FEINSTEIN. It has been pure joy. She has a wonderful staff. We have never had a disagreement that couldn't be worked out. We have made sure the priorities, which are the same for both of us, have been met. I will be a loyal ranking member, and I hope the new chairman will have the same relationship and the same overall goal for Military Construction and Veterans Affairs that Senator FEINSTEIN and I have had. I believe he will.

I am going to vote for the continuing resolution. However, I could not be more disappointed that we did not pass the full appropriations bill for Military Construction and Veterans Affairs. I know the veterans will be taken care of, and I know the military construction will begin with the new starts a couple of months late. We will get those projects done with that small delay. I am going to make it my priority to assure that happens.

Senator STEVENS has come to the Senate. I want to say, in addition to Senator COCHRAN, Senator STEVENS and Senator INOUE have been the advocates for our military throughout the time I have been in the Senate. I am honored to be a member of the Appropriations Subcommittee on Defense. I know those two leaders work together, as Senator FEINSTEIN and I do, and that is with one goal: to make sure the military, who are in harm's way, who are fighting so we may speak free-

ly in this Chamber, who are fighting for our children and grandchildren to have the freedom we enjoy and that has been given to us by generations past, will have the opportunities they deserve, and that is the quality of life that we can give them.

I thank the Senate for coming to the end with this continuing resolution. I will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to take a few minutes. I ask unanimous consent the Senator from Ohio, Mr. DEWINE, be permitted to take the floor following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we ought to understand what we are talking about now because the bills that are before the Senate now and the CR should have been enacted by October 1. This bill will move that money out to February now and will not be available to the department agencies until sometime in February.

I am concerned about this because prior to this Congress, the quality-of-life money for the members of the Department of Defense was under the Appropriations Subcommittee on Defense that I cochair with my friend from Hawaii, Senator INOUE.

We are disturbed that Congress has not finished its work on the Military Construction and Veterans Affairs appropriations bill. To me, the failure to complete this work is inexplicable.

I am disappointed we are unable to reach an agreement with the House on the matters contained in this bill and to realize the necessity of completing action on the bill in total. We are neglecting our congressional responsibilities by not completing work on this bill. It is unfortunate. We have had a considerable amount of time to do so.

This is not a routine disagreement between Members of the House and the Senate. This is a disagreement that affects our Nation while we are at war. We have hundreds of thousands of service men and women deployed around the world. This sends a message we are not willing to take the time to finish the work necessary to assure they have the money, the funding, the facilities to do the work we have asked them to do. It will have an impact on military life and the morale of our armed services.

The Military Construction appropriations bill not only contains money for military construction and for quality of life, but it also contains the money for our veterans. In total, it provides critical funding for family housing, barracks, mission facilities, implementation of the base closure and realignment process, maintenance of defense and veterans facilities, environment cleanup, the Defense Health Program, and medical care for our veterans.

Now I am told that the CR does now come up to the President's request for



the medical health program, and that really removes part of my objection to proceeding on this bill. Without this bill, the Department of Defense and Veterans Affairs have to contend with this continuing resolution. Most people do not understand it. It means these moneys will be postponed until mid-February, the additional moneys that are necessary to meet the additional demands being placed on our Armed Services before September 30. We are supposed to finish this bill by September 30.

I am told the Department of Defense will not be able to start a single military construction project, although those projects were authorized more than 3 months ago. It means the projects cannot be started until the regular bill is passed. I hope it will be passed in February.

Now, I took the time to go to Italy and look at the new Army base there and the new Air Force base there, as we are redeploying our forces from Germany and other places into Italy. Those projects involve barracks, quality of life facilities, and family housing. That cannot go forward. The money will not be available because it was not covered by the 2006 appropriations bill. It is not covered by this continuing resolution.

I think it is true now, because of what I mentioned, the Veterans' Administration should be able to sustain the medical care for our veterans without disruption. But I can tell the Senate, they will not be able to go much more than mid-February without running into real trouble. So one of the first bills that ought to be considered when we get back is the Veterans appropriations bill.

I am here tonight because I announced to our conference I would oppose this CR unless it contained these bills in it. After consulting, and my staff consulting, with the Department of Defense, the Veterans' Administration, and understanding what the House has done now since that time on the medical portion for the Veterans' Administration, it does not seem possible for me to do that now. All I can do is express my deep reservation about voting for this bill under the circumstances.

We should have had at least the balance of the military money and the veterans money made available by this Congress before we went home. And I am really disappointed it is not possible.

Mr. President, I say to the Senator from Texas, you wish the floor again? The Senator from Ohio would follow me, but you wish to comment?

Mrs. HUTCHISON. Mr. President, I would just like to clarify, with the Senator from Alaska on this subject, that the Senate did act. The Senate did pass our bill, and we did appoint conferees, and it was a lack of willingness on the part of the House to have conferees meet with the Senate. His dis-appointment is the same as mine.

I am going to start working on January 4, when we are sworn in to the new Congress. And I hope we can take the bill that has been passed unanimously by the Senate and work through the appropriations process and pass this bill before the continuing resolution is ended on February 15. We do not have to wait until February 15. And once the committee is constituted, and we have a chairman and a ranking member, I will be the ranking member, and I will work with the chairman. And I hope we can pass this bill because it is in very good order and it was unanimously supported by the Senate. And I think we are pretty close to what the House passed. I think, with a strong will, we will be able to come in before February 15 and start those projects about which the Senator from Alaska just spoke.

So I will look forward to working with him in the new year, both for Defense appropriations and for this Military Construction bill and the Veterans Affairs bill and the military quality of life that is in the bill that we passed in the Senate earlier this year.

I thank the Senator.

Mr. STEVENS. Mr. President, I thank the Senator from Texas for those comments.

My point is, the Congress as a whole should have finished its job. We should have done this job before this Congress ends, particularly for those bills which impact the men and women in our Armed Services, their families, and the veterans who have served, particularly the new class of veterans now who are coming out of the service, many of whom are wounded. Many of them have readjustment problems. This bill, the bill the Senator from Texas and her subcommittee prepared, would have answered many of those problems. It would have made money available now to deal with them.

I am chagrined that bill is not going to pass. I think it is a failure of this Congress. And we ought to admit it is a failure. But as far as this Senator is concerned, we have done everything we can to try to rectify that. It is just not possible to get the Congress to vote. The House has already voted. I do not think it is possible for us to try to amend this bill now. And I am told the agencies involved have reviewed it and say they will find a way to continue their work until February without it.

That does not answer the question to me though because the things they should start now would be well underway by February, and it will not be possible with postponing this bill. It is a tragedy we are not able to complete our appropriations process, in my opinion.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Ohio.

#### HONORING OUR ARMED FORCES

JERKO "JERRY" ZOVKO

Mr. DEWINE. Mr. President, I rise this evening to pay tribute to Jerko

Zovko, a civilian contractor from Cleveland, who was killed on March 31, 2004, while doing his security work in Iraq.

Jerko—or "Jerry," as he was known by his family and friends—could be described as many things. He was a family man who maintained a close relationship with his parents, brother, and others in his Croatian community outside Cleveland. He was extremely bright, being fluent in five languages. He was extraordinarily brave, having served as an elite Army Ranger in Bosnia and Kuwait and then as a private security agent in Iraq.

Perhaps best described by his mother, Danica, "Jerry was a man with a principle and ideals. . . . He loved people. He wanted the world to be without borders, for everyone to be free and safe." Jerry gave his life for what he believed in, for a people who he thought deserved their freedom.

Born in Cleveland and raised in Euclid, OH, Jerry and his younger brother Tom cultivated their Croatian heritage through their tight-knit family and community. Jerry attended St. Christine School and then Euclid High School, where he played soccer. In his free time, he worked with his father at the family auto body shop. Known as a skinny kid growing up, no one could have predicted that he would grow into the hulking military man as his family lovingly described him.

Following high school, Jerry went to Ohio State University with the intention of becoming a doctor. However, his aspirations changed after a life-altering trip to his family's homeland of Croatia when the country was achieving its independence from the former Yugoslavia. Jerry predicted correctly that conflict was about to erupt in his family's homeland, and he wanted to be ready. He returned to the United States and enlisted in the Army when he was 19 years old.

Jerry was dedicated to the idea of universal freedom and he lived his life in pursuit of that goal. Jerry spent 8 years in the Army as a member of the elite Army Rangers and served mostly overseas, including in Bosnia and Kuwait. His personality shone through in whatever he did. Army buddies remembered with fondness how Jerry built a swimming pool on the roof of the barracks and how he would zip around the base on a motorcycle with a sidecar.

Not wanting to worry his family, Jerry used to tell his parents that he never saw combat because he was "just a cook." Though he knew his parents constantly feared for his safety, Jerry continued to risk his life for the good of others.

After being discharged as a Sergeant from the Army in 2001, Jerry joined Blackwater Security—a private security company—and worked for some time in Dubai. Jerry then decided that the Iraqi people needed his help. His family pleaded with him not to go, but in their hearts they knew that Jerry would do what he believed was right.

His brother Tom recalled Jerry's independent streak and that no one could stop him from doing what he set out to do. His mother remembered a talk they had before Jerry left in which he told her that he was needed in Iraq and that we all need to support our troops and stay united.

While working in Iraq, the newly freed people were Jerry's first priority. He started to learn and speak Arabic, because as he said, he wanted to help the Iraqis and he wanted to do it on their terms. Jerry worked in a number of hotspots in Iraq and never shied away from a tough job.

Jerry eventually lost his life while guarding a food truck in Fallujah. Like the way he lived his life, Jerry lost his in the service of others.

I had the privilege of attending the calling hours for Jerry and am grateful for the chance to talk to Jerry's family about their son, brother, and friend. I thank them for sharing their memories with me.

We will never forget Jerry Zovko. It became apparent, in talking with his family, that Jerry will forever live on in the hearts and minds of his parents Danica and Jozo and his brother Tom. Jerry touched the lives of everyone he met, whether they were family, members of the Croatian community, Army buddies, or people living on the other side of the world.

May we all remember this great American hero.

My wife Fran and I continue to keep his family in our thoughts and in our prayers.

Mr. President, since February 2002, I have come to this floor to honor and to remember the brave Ohio men and women who have died fighting for our country in Iraq and Afghanistan. It has been my very sad duty to give 153 of those speeches.

These courageous servicemembers—with the many faces of Ohio, the many faces of America—came from the smallest villages in our State and came from the largest cities. Some came from our farms. Some were born in Ohio and in America. But others were born in foreign lands far away. Some were 18 or 19 years old. Some were in their forties. Some were privates and lance corporals, while one was a lieutenant colonel. Some joined the military as a result of the September 11 attacks, while others planned on a career in the military from their youngest days, marching around as small children in their fathers' uniforms.

Some, Mr. President, Members of the Senate, had seen a lot out of life, while for others—most of them, really—their lives had just begun. All of them, though, shared something in common. All of them changed lives in countless ways, leaving enormous impacts on their families and their friends and their loved ones. Their absence leaves a gaping hole in the lives of those left behind. And while that makes it very hard, we also know that the world is a better place because these brave men

and women were a part of it. It is a better place because they lived.

We are all so very fortunate to have had them in our lives for the all-too-brief time that we did. And for that, we are eternally grateful. We, as citizens, will never be able to repay these Ohioans for their service. We know when we lose a servicemember there is, as Ronald Reagan said, a tear in the fabric that holds us all, holds us all as Americans, and holds us together, and that there is really no way to repair it.

President Theodore Roosevelt perhaps put it best when he said:

Their blood and their toil, their endurance and patriotism, have made us and all who come after us forever their debtors.

We are, indeed, in their debt.

As John F. Kennedy once said:

A Nation reveals itself not only by the men [and women] it produces, but also by the men [and women] it honors [and] remembers.

That is exactly what I have tried to do these past few years, speaking about these brave and courageous Ohioans. It is about honoring and remembering each of these truly unique, wonderful souls. Our Nation is proud of them. They lived their lives well, with great purpose and commitment and love of family and country. And for that, we will never forget them.

I would say to the families of those who have died in Iraq, Afghanistan, training exercises, service to our country, that I will remember them and I will think about them until the day I die.

#### APPRECIATION TO SENATE COLLEAGUES AND STAFF

Mr. DEWINE. Mr. President, early on Thanksgiving day, Mary Frances Darling was born. She is our 10th grandchild and the 6th child of our daughter Jill and her husband Bill. As I said on election night this year, I am a very lucky man. I am blessed with a wonderful family.

I am also blessed because for the last 30 years—30 years—the people of Ohio have given me the opportunity to represent them, first as Green County prosecuting attorney, then as State senator, then as a Congressman for four terms from the seventh congressional district, then Lieutenant Governor, and now, for the past 12 years, in this wonderful body as a U.S. Senator. For that opportunity, I will be eternally grateful.

When I came to the Senate in 1995, it had been a little over a year since our daughter Becky had been killed. I was, quite candidly, still numb. We as a family had been through a lot. But I knew that our time here on Earth is short, and I wanted as best I could to spend my time in the Senate, whatever time I had, working on tangible things, getting concrete results that impact the lives of families in Ohio and in our Nation. I have tried to do that, but I have not done it alone. Whatever I have achieved has been with the help of so many people.

Over the past 12 years, I have worked with every Member of this Senate, and I consider each Member of this Senate a friend. I have had the privilege to work with two Republican leaders and one who in January will become the Republican leader.

TRENT and Tricia LOTT were two of the first people Fran and I met when we came to the House in 1983. Tricia is Fran's best friend here in Washington, and TRENT is my dear friend. I have benefited from his counsel, from his advice, and from his help, now for well over 20 years.

BILL FRIST and I came to the Senate together in 1995. Karyn and BILL are very good friends. BILL has been an unbelievably accessible leader. We share a passion for fighting the spread of AIDS. BILL's public role in that cause is obvious and apparent to everyone. But what is not so obvious and what is little known is what BILL FRIST has done behind the scenes, what his role has been in working with so many people, working with the White House and others to get this job done. No one has played a bigger role. And when the history is written, BILL FRIST's name will be there in bold print as someone who has saved so many, many lives.

MITCH MCCONNELL. MITCH and Elaine are dear friends. When I faced the tough challenge of getting a bill or amendment passed, I went to MITCH. I have done it for 12 years. I did it as recently as yesterday. MITCH MCCONNELL is tough. He is strong. He is wise. He will be a great leader. His advice as to how to thread the legislative needle is responsible for so much of what I have passed. He also has a big heart, as was demonstrated time and time again when I would go to him. He is chairman of the Foreign Operations Subcommittee. After I talked to him, he would, at my request, put money into things which saved children's lives, child survival or to save little children, little babies in Haiti. He did it. He got it done. He made a difference.

I have been lucky enough to serve on the Judiciary, Appropriations, HELP, and Intelligence Committees, and I want to thank the chairmen who have led those committees over the past 12 years. I was the first Ohio Senator to serve on the Appropriations Committee since 1945. With the help of Chairman STEVENS, Chairman COCHRAN, and their staffs, I was able to secure well over \$1 billion for projects throughout Ohio that make a difference.

I particularly thank ARLEN SPECTER. I thank his clerk and my good friend, Bettilou Taylor. They have both been so helpful to me in securing millions of dollars for programs through Labor-HHS appropriations. These two dedicated public servants helped me provide funding for important programs, things such as the Children's Hospital Graduate Medical Education Program and projects in Ohio to build facilities and provide services for people with disabilities. They also helped me fund projects to help meet the health needs

of seniors and low-income communities throughout the State. Because of them, I have been able to secure over \$12 million for Ohio's children's hospitals.

Senator SPECTER, Bettilou, let me tell you from the bottom of my heart and on behalf of Ohio's sick and poor kids and their families, I thank you.

I also sincerely thank Judiciary Committee Chairmen SPECTER and HATCH; HELP Committee Chairmen ENZI, GREGG, and JEFFORDS; and Intelligence Committee Chairmen ROBERTS and SHELBY. I have been fortunate to have passed dozens of bills and amendments in my career in the Senate, and most of them were provisions that I worked along with these chairmen to pass. It would never have happened without them. I appreciate their help.

I appreciate all the help Finance Committee Chairman CHUCK GRASSLEY has given me—a dear friend—especially when it came to passing my bills to improve the foster care and adoption system. I have worked with many Members of the Senate on this very important issue, foster care and adoption, including Senators JAY ROCKEFELLER, MARY LANDRIEU, LARRY CRAIG, DANIEL PATRICK MOYNIHAN, JOHN CHAFEE, JESSE HELMS, BILL ROTH, JIM JEFFORDS, DAN COATS. They all shared a passion for foster care children. They all shared a passion for the adoption issue.

I also thank my good friend from Pennsylvania, my friend who keeps the candy drawer over there, RICK SANTORUM. Like so many who spoke about him yesterday, I applaud RICK for his passion and his absolute fearlessness in standing up for what he believes. I recall being on this floor many nights late at night during the debate over partial-birth abortion. Some nights it was just RICK and me, and we closed this place. He got it done. I thank him for that.

I also remember how Senator SANTORUM stood with Senators LINDSEY GRAHAM and SAM BROWNBACK to help me pass my unborn victims of violence bill and see it signed into law. It took several years to pass this legislation, and Congressman GRAHAM had been the sponsor and was the sponsor of the bill in the House. I applaud his determination to get this done. When it comes to foreign policy issues, I share an interest in Western Hemisphere issues with my friends Senator NORM COLEMAN, the chairman, and MEL MARTINEZ. MEL, thank you. Senator COLEMAN has admirably served this body as chairman of the Western Hemisphere subcommittee. I sincerely enjoyed travel with him to Haiti.

I also enjoyed traveling to Africa with the good Senator from Tennessee, LAMAR ALEXANDER. LAMAR has contributed a great deal to this body. He will contribute more, especially in the area of education policy, where he is clearly the expert.

Senator JUDD GREGG and I also worked on a very important education issue. He started it. He worked it. I

helped him. We got it done. That is the School Choice Program here in Washington, DC. We broke the logjam. We got it done. I applaud his commitment to the children of this, our Nation's Capital.

I thank my friends CHUCK HAGEL and LINDSEY GRAHAM for the good conversations they have shared with me on foreign policy issues. Speaking of that issue, I thank my neighbor on the floor and my neighbor to the west in Indiana, DICK LUGAR, for being the rock that he is on foreign policy and for giving me good counsel and advice.

I want to thank my dear friend JOHN MCCAIN, with whom I came to the House of Representatives in 1983 and who has been my friend since. I thank him for his courage. I thank him for his wise counsel on military and foreign relations issues.

I also thank a dear friend of mine who does not now serve in this body, former Senator and Secretary of Energy Spence Abraham. He did a lot of things. One of the things that took guts and courage is he fought with me and others to protect legal immigration while he served in the Senate. He took a lot of flack for it.

I was honored to work with Senator GORDON SMITH, Senators HARRY REID, JACK REED, and CHRIS DODD, to pass the Garrett Lee Smith Memorial Act. I applaud Senator SMITH and his wife Sharon for having the courage to take the tragedy of their son Garrett's suicide and do so many wonderful things with it. They are wonderful people.

Last year, I was extremely proud to be one of 14 bipartisan Members of this great body who decided to work together to break what had become a gridlock in the Senate over judicial nominations. In the grand tradition of the Senate, individuals from both political parties came together that time to solve a problem which threatened not only the judicial nomination process but was threatening to shut the Senate down completely. I want to thank my friends with whom I was proud to stand in that effort: JOHN MCCAIN, JOHN WARNER, LINDSEY GRAHAM, OLYMPIA SNOWE, SUSAN COLLINS, LINCOLN CHAFEE, JOE LIEBERMAN, Senator BYRD, BEN NELSON, MARY LANDRIEU, DANIEL INOUE, MARK PRYOR, and KEN SALAZAR. They got it done.

I thank my friend, my colleague, my partner, Senator GEORGE VOINOVICH. GEORGE and I have worked together in the Senate on so many things for Ohio, from NASA Glenn to the Great Lakes. We first got together in 1989. We joined up as partners in 1989 when I decided to leave the U.S. House—it was a tough decision for me—and join him as his Lieutenant Governor candidate. I have not regretted it. It was the right decision, and we have worked together ever since then. I thank him and I thank his wonderful wife Jan for their friendship and love.

I also want to thank all the members of the Ohio congressional delegation

with whom I have sincerely enjoyed working over the years. I have worked with every one of them. They have all made a difference. They are all my friends, Democrats and Republicans. Specifically, I extend my appreciation to my Congressman, my dear friend DAVE HOBSON. He is a savvy man. I have gone to him many times for advice, and I have gone to him to get things done for Ohio.

I would be remiss if I didn't thank the wonderful staff people in addition to my own staff whom I have had the pleasure to work with in the Senate. I thank the outstanding Senate floor staff: Dave Schiappa, Laura Dove, and all the other floor staffers who are such wonderful professionals and who serve us all so well. Thanks to the staff of the Republican leadership: Eric Ueland; Bill Hoagland, whom I talked about earlier today and whom I go to for advice a lot; Kyle Simmons, Malloy McDaniel, Laura Pemberton, and on and on.

I also thank all the committee staff with whom I had the pleasure to work. They are too plentiful to name, but I cannot leave this body without thanking my dear friend Mary Dietrich, clerk of the DC Appropriations Committee. I saw Mary on the floor last night. I so enjoyed working with her. She is a pro. She is great. I also thank Paul Grove, clerk of the Foreign Operations Subcommittee, who worked with me in helping increase funding for the various humanitarian aid programs. I know he got tired of seeing me coming, but he was always gracious and got the job done.

If there is one thing I have learned in the Senate, it is that you must work together with members of both parties, Democrats and Republicans. I see my friend on the floor, Senator PAUL SARBANES, who will be leaving. I have worked with him over the years. I have worked with many Democratic Senators over the years. I want to take a few minutes to thank them for their willingness to set aside party politics to make a difference and to get tangible results.

First, I thank my very good friend Senator CHRIS DODD. Senator DODD and I have worked together on many bills that have become law. We worked together—not once, not twice, but three times—to pass three bills into law to expand the research and testing of drugs prescribed for children. Senator HILLARY CLINTON also joined us in this effort, and I thank both of them for their dedication and dogged determination in helping to ensure our children have access to the medicines they need.

Senator DODD and I also came together to create a national toll-free poison control hotline—I will remind my colleagues one more time of that number: 1-800-222-1222.

Senator DODD and I also share a commitment to providing additional resources for our Nation's firefighters and first responders. We know that these men and women have the responsibility of looking out for us and our

families, and we, in turn, have a responsibility to provide them with the resources they need to do their jobs. Together, Senator DODD and I passed the Fire Act in 2000, and that law has provided over \$3.1 billion for grants to fire departments around the Nation for needed equipment, training, and communications technology. I am proud of the over \$100 million in Fire Act grants that my home State of Ohio has received.

Finally, Senator DODD and I worked together with a wonderful American statesman—Senator Daniel Patrick Moynihan—to pass the Nazi War Crimes Disclosure Act, which has led to the declassification of countless U.S. Government files containing information about Nazi war criminals. The American people deserve to have access to this information. For all of our work together, Senator DODD, thank you.

Mr. President, I want to thank Senator JAY ROCKEFELLER for joining me in fighting to make our adoption system work better for children around the country. My good friend Senator ROCKEFELLER was the lead cosponsor of two of my bills that we got signed into law, and I was the lead cosponsor of one of his bills that also became law. These laws have helped minimize the amount of time children spend in foster care and increased the number of adoptions across the country.

Those laws are making a difference every day. They are changing children's lives.

As members of the Senate Steel Caucus, Senator ROCKEFELLER and I also worked successfully together to impose tariffs against foreign countries that were dumping steel in the United States. The dumping by these countries was hurting our steel industry and, therefore, it was hurting families throughout Ohio and West Virginia. Senator ROCKEFELLER and I also teamed up to increase automobile and highway safety. He is a champion there, too.

Last year, Senator ROCKEFELLER was the lead co-sponsor of several bills with me that will save lives on our roads. Together, we passed these bills into law as part of the last Highway bill. We will never know the names or faces of the people whose lives will be saved by these laws, but it is enough for both of us to know those men, women, and children are out there. Senator ROCKEFELLER—it has been a pleasure to work with you. Thank you.

Mr. President, I want to thank Senator MARY LANDRIEU. Senator LANDRIEU and I share a profound concern for low-income students around the country and for the welfare of young people here in the District of Columbia. In 2001, we worked together to amend the No Child Left Behind Act to make sure that additional funding went toward low-income schools and the students who attend those schools. Since passage of our amendment, low-income schools in Ohio have received \$259 million. I applaud Senator

LANDRIEU for her commitment to these children.

I also want to thank Senator LANDRIEU for the excellent work we did together on the District of Columbia Appropriations Subcommittee. We worked together on this subcommittee from 2001 to 2004, and again, our focus was on improving the health and well-being of children. We improved the city's long-troubled foster care system and helped fund various improvements to Children's Hospitals in the District. It was truly a pleasure working with the good Senator from Louisiana.

Mr. President, I have had the great fortune to work closely on the Judiciary Committee with my friend Senator PAT LEAHY. I am proud of the many things that we worked on together. Specifically, we both know that our State and local law enforcement officers need to have the best technology available to protect our families and loved ones. I thank Senator LEAHY for working with me in 1998 to pass the Crime Identification Technology Act, known as CITA. We worked together to develop, pass into law, and provide funding for this critical bill, which has included over \$500 million to help law enforcement officials purchase cutting edge forensic and communication technology and improve their crime labs—all in an effort to help local law enforcement fight crime and make our communities safer.

I also appreciated working with Senator LEAHY to pass my bill in 2003 that eliminated the statute of limitations for child abduction and sex crimes and required child pornographers to register as sex offenders. Finally, Senator LEAHY and I worked together, along with Congressman TED STRICKLAND in the House, to pass my Mentally Ill Offenders bill and get it signed into law in 2004. This law goes a long way toward providing mental health services for criminals desperately in need of those services. Thank you, Senator LEAHY. And, of course, neither of these laws would have happened without the help of Judiciary Chairmen SPECTER and HATCH.

Mr. President, since 1997, I have been a member of the Judiciary Antitrust Subcommittee. During my time in the Senate, sometimes I chaired the Committee, and sometimes my friend Senator HERB KOHL chaired the committee. But, no matter who had the gavel, we ran it the same way—as a bipartisan committee, which shined a light on competition issues and helped consumers and businesses get a fair shake in the marketplace. Both of our staffs planned the subcommittee agenda together, organized hearings together, and held meetings together. That is exactly the way it should be, and I am proud that Senator KOHL and I were able to achieve and promote a bipartisan consensus on important antitrust issues in many critical parts of our economy.

Senator KOHL and I also worked together to write and pass into law the

DNA Analysis Backlog Elimination Act in 2000. We worked on this bill after learning that many law enforcement agencies did not have the funding to process DNA material from crime scenes and those DNA samples ended up just sitting on shelves and not getting analyzed. Our law provides funding to process these samples, identify criminals—such as rapists—and get them off the streets. It has truly been an honor and a privilege to work with HERB KOHL.

Mr. President, I also have had the distinct pleasure to work together with Senator MIKULSKI on the Retirement Security and Aging Subcommittee and the Aging Subcommittee. I always knew that my good friend from Maryland was a tough negotiator, but over the last Congress, I was reminded of just how determined and tough she can be when she knows she's in the right. Thank heavens, she and I were on the same side.

Senator MIKULSKI and I worked together this year and in 2000 to reauthorize the Older Americans Act, and we also joined forces to fight against efforts to weaken the pension plans of millions of manufacturing retirees and employees. It was during these negotiations that I was glad to have a partner as tough as Senator MIKULSKI, and I thank her.

Since 1999, I have been the co-chairman of the Senate Great Lakes Task Force with the senior Senator from Michigan, CARL LEVIN. Together, Senator LEVIN and I have fought—side-by-side—to pass laws and increase funding to help restore and protect the Great Lakes. We passed the Great Lakes Legacy Act, which has brought over \$60 million to clean up contaminated rivers flowing into the lakes, including \$25 million to clean up the Ashtabula River.

Senator LEVIN and I also recently won Senate passage of the Great Lakes Fish and Wildlife Restoration Act to increase the authorization of grants to protect the Great Lakes, and we worked together to prevent invasive species from entering the Great Lakes by authorizing and funding a barrier in Chicago, where Asian carp might enter the Lakes. I thank Senator LEVIN for his dedication to this unique natural resource.

I have spent a great deal of my time here in the Senate fighting for those who are less fortunate and who cannot fend for themselves—not only here in the United States, but also throughout the world. Over the years, I have sponsored and passed several provisions that have increased funding for humanitarian programs.

I want to thank my good friend Senator DICK DURBIN for working with me to increase funding by \$100 million for the Global Fund to Fight AIDS and to increase funding by over \$60 million for the prevention of mother-to-child transmission of HIV/AIDS. Senator DURBIN has also worked with me to help provide assistance to the poorest

nation in our hemisphere—and that is Haiti. DICK, Fran and I traveled together to Haiti and I thank him for joining me in efforts to provide a better life for the people of Haiti. He is a good and compassionate man, and I thank him for his work and for his friendship.

Once again, these things would not have happened but for MITCH MCCONNELL, PAT LEAHY, and the people on the subcommittee who provided the money.

While I am talking about Senator DURBIN, I also want to thank him for joining me in passing legislation that guaranteed that the children of service members who die in service to their country don't lose their free health care coverage. Before our law, children of service members who died serving their country would lose their free health care after 3 years. But, children whose parents were in the military and did not die would receive health care until they turned 21. That just wasn't right, and Senator DURBIN agreed with me. Together, we changed that law. I thank him for working with me on that effort, and I thank Chairman WARNER for working with us on this bill, it could not have happened without him.

Mr. President, I also had the pleasure of working with Senators DURBIN, CORZINE, BIDEN, and BROWNBACK, as we have tried help bring a stop to the terrible genocide that is occurring in Darfur.

Together, we have increased funding for humanitarian relief and security efforts in this war-torn region, where so many innocent victims continue to suffer. I was proud to join my friends in this effort, and I know they will continue this fight.

Mr. President, none of these important increases to these HIV/AIDS and humanitarian aid programs could have happened without the help of the chairman and ranking member of the Senate Foreign Operations Appropriations Subcommittee—Senators MCCONNELL and Senator LEAHY. To both of them and to their able staffs, thank you.

I want to thank Senator FRANK LAUTENBERG for working with me to set a national .08 blood alcohol content standard for alcohol-impaired drivers.

This was a tough fight, and Senator LAUTENBERG is a good man to have with you in such a fight. I am proud to say that in 2000, we successfully got our bill passed and signed into law.

Mr. President, I want to thank Senator BYRD, not only for the legislation that we have worked on together, but more importantly for the outstanding service he has given this body and this country. Senator BYRD and I worked together years ago to pass the Continued Dumping Subsidy Offset Act—a law that helped bring hundreds of millions of dollars to U.S. manufacturing companies that were the victims of illegal dumping by foreign companies. This law brought over \$315 million to manufacturers in Ohio. Thank you Senator BYRD for the work we've done together

and for your outstanding service to this Senate and to this Nation.

Mr. President, I want to wish the best to all of my fellow Senators who were defeated this fall or who are retiring this year—Senators FRIST, SANTORUM, TALENT, BURNS, ALLEN, CHAFEE, DAYTON, and JEFFORDS. They are all good people and all good friends. I wish them well.

Mr. President, I want to take a moment to say that I still miss my good friend Senator Paul Wellstone. Senator Wellstone was a determined and outstanding public servant. In 1998, Paul and I worked closely together to write the law that reformed and improved the effectiveness of job training programs. It was always a pleasure to work with Paul Wellstone—such a passionate and committed and dedicated public servant.

Mr. President, as my colleagues all know, none of us could get anything done here in this body if it were not for the extremely dedicated, hard-working people on our staffs. I am grateful for the men and women who work for me now and those who have worked for me all through my time in the United States Senate. I didn't say thank you often enough, but I am grateful to each of you to know how much I sincerely appreciate all you have done for me—all you have done to help the people of Ohio and the people of this Nation. I say to them: You have done such great work. You have helped people. You have improved their lives and, in some cases, you have saved lives through your efforts. You have made a difference, and you all should be very proud. I know I am proud of each and every one of you.

I have been so fortunate to have had so many qualified, talented people working for me over the years. Time will not permit me to name each one, but I thank all of them collectively for their efforts.

Thank you to all the schedulers who through the years got me where I needed to go and kept me on track. I would be lost, literally, without you.

Thank you to all my personal assistants and executive assistants. You all have taken such good care of me, which, admittedly, has been tough to do. I have not made it easy.

Thank you to my press team—all my past press secretaries and press assistants. You have helped spread the word about the good things this team has done for the people of Ohio. I thank you for your diligence and dedication.

I thank my legislative staff—all my legislative assistants, professional committee staff, legislative aides, legislative correspondents, researchers, and writers. You have been the best team any Senator could ever ask for. I am proud of you. You have worked so hard, so tirelessly, and with such commitment. You got things done. You have made a difference.

Thank you to all my current and past staff assistants, receptionists, and interns. You have been on the front lines every single day. You have heard a lot.

You manned the phones. You greeted all of our constituents. You have helped me in countless ways. You have done your job so well with great respect, grace, and patience.

Thank you to our mail team. One thing is certain in this business: the letters and e-mails never stop coming. That is a good thing. Thank you for opening all the correspondence, sorting it, taking care of it, and making sure responses got out. I bless you for that.

Thank you to all my past office managers and system administrators. You have kept my office running. Without each of you, we couldn't open our doors each business day. You are great.

Thank you to my entire team in Ohio—to all my current and past regional directors, district representatives, staff assistants, and caseworkers. You are the best Ohio has to offer. I am proud to have worked with each one of you. I couldn't have done my job without you. You all know our State so very well. You have been so caring and kind to our constituents. Thank you from the bottom of my heart.

While it would be impossible for me to talk about each of my past staff members individually, I would like to take a moment to say a few things about some of my key advisers over the years. I will dearly miss working with each one of you. Bluntly, I don't know how I am going to get along.

Thank you to my past and present finance team. They are the ones who got me here: Mary Sabin, Rachel Pearson, Amy Ford Bradley, and last, but certainly not least, Brooke Bodney, who has taken me through the last few years. You all have amazed me over the years. You have pushed me, prodded me, you made me do something I don't like to do: make phone calls and ask people for money. Please know how grateful I am to each one of you. Your jobs were not easy, and you did a phenomenal job.

Thank you to my past campaign managers—Curt Steiner in 1992, Laurel Pressler Dawson in 1994, Josh Rubin in 2000, and Matt Carle from my 2006 race. Curt has been my friend for over a quarter of a century. He is smart and political savvy. Laurel was a great campaign manager in 1994. I will have more to say about her in a minute. Josh has been a permanent fixture in the DeWine family since the early 1990s. I have always appreciated his advice and wise counsel. Matt did a fine job this past election cycle. He knows Ohio very well.

I would also like to mention my friend Chuck Greener who has been a friend for over 25 years. I am grateful for his friendship and wise counsel. He always takes my calls. He always calls back. He is there for me. He is there for Fran.

Thank you to each of the individuals who have served as staff directors of my subcommittees. Louis Dupart served as staff director for our Anti-trust Subcommittee. Louis always came to me with such great legislative

ideas. He is the one who came to me with the idea of the Nazi war crime legislation. I will forever be grateful for that.

Pete Levitas also served for several years now as staff director for the Antitrust Subcommittee. Pete is a brilliant lawyer. He has been one of my most dedicated staff members, and he is one of the funniest people I have ever met. He can always make me laugh, and we always need people around us, Pete, to make us laugh.

Dwayne Sattler served as staff director for our Employment and Training Subcommittee. He worked tirelessly to help reform this country's job training program. A lot of the bill was his work product. I thank him for that.

Last, but certainly not least, Karla Carpenter, who has served as the staff director for three of my subcommittees: Aging, Substance Abuse and Mental Health Services, and Retirement Security. What in the world will I do without her? She has been with me since 1994. She is, as she likes to say, "the smartest person she knows." Mr. President, let me tell you, she is certainly one of the smartest persons I know. She got our Adoption and Safe Families Act signed into law, as well as the Older Americans Act and pensions bill. Thank you, Karla.

I would also like to thank my able Intelligence Committee designee, John Pack, and my excellent former designees Jack Livingston and Jim Barnett. You have been great advisers.

I have been most fortunate to have had the chance to work with three of the smartest, hardest working legislative directors around. My first Senate legislative director and chief counsel was Nick Wise. He was also legislative director for me in the House of Representatives. Nick always had a unique ability to analyze an issue and drill it down to the essence of the matter, and then explain it to me. Unique talent.

My next legislative director was Robert Hoffman. He came to my office from Senator Larry Pressler's office, where he was the Senator's legislative director. Robert did a fantastic job for me. He has an unstoppable work ethic. He was so dedicated and had such a solid understanding of the legislative process. I thank Robert.

My current legislative director is Paul Palagyi. What will I do without Paul, who is my go-to guy on so many things? He has been my LD for nearly 6 years and has built an extraordinary legislative team. Paul has put up with a lot. He is also an adviser for my two dogs at home.

During my time in the Senate, I have had two speechwriters. My first Senate speechwriter was Mike Potemra. I can say with honesty Mike is one of the most intelligent people I know. He is just so knowledgeable. In his own words, Mike is an "unusual guy." That he is, but he is also deeply endearing, and I am fortunate to have had the opportunity to work with him. I thank Mike.

Now, Mr. President, I come to the point in my speech where it is not

scripted, and that is because it is about Ann O'Donnell. Ann O'Donnell has been my speechwriter. Ann O'Donnell has been someone who has made an unbelievable difference in my life. She is a tireless worker. She is a compassionate person. Fran and I have traveled with Ann to Haiti. I have seen her compassion for the children of Haiti. She is someone who never stops working.

During this past week, because I am leaving the Senate, because I would not be here in January, I have tried to finish giving tribute speeches to all soldiers and troops who died in Iraq and Afghanistan. It was an unbelievable task. Ann put it together. She got it done. We did 75 speeches this week. It wouldn't have happened without her. A lot of things I have done would not have happened without her. I thank her. I thank her for being who she is.

I have had two communications directors during my time in the Senate. First was Charlie Boesel. Everyone loves Charlie. His personality is as flamboyant as his taste in colorful clothes. Charlie was a pleasure to work with and did a fine job for us. I will tell you, it was great fun to have Charlie join us for a few days on the campaign trail. Fran and I were so happy to see Charlie back.

My current communications director is Mike Dawson. I first met Mike when I was running for Governor in 1989. Mike, whom I did not know, came to me and kept coming to us and said: Hey, I want to work for you, I want to help you on your campaign. We finally said yes, and he was on the campaign. He worked on my Governor's race and then my Lieutenant Governor's race when I joined George in his bid for Governor. Mike worked in the Voinovich administration, he worked for Senator VOINOVICH, and he has been my communications director for the last 5 years. I am grateful for his wise counsel. He is my friend. I will always remember what he has done for me.

I have had one State director while I have been in the Senate. That has been Barbara Schenck. Barbara worked with me when I was Lieutenant Governor. She is truly one of the finest individuals I have ever known. She is smart; she is articulate; she is spirited; yes, she is feisty; and she is passionate. She is also extremely compassionate. She has been my right hand in Ohio. I talked to her many days six, seven, eight times. I can't imagine not working with her in the days ahead, but I know she is going to do some amazing things. Barbara, you are the greatest. Thank you.

Finally, my chief of staff, Laurel Pressler Dawson. I truly believe—I have not checked this—that she has been chief of staff to a Senator and a Congressman probably longer than anybody in this body. Laurel has been my chief of staff since January 1983 when I entered the U.S. House of Representatives. We have seen and been through so much together in our personal lives, as well as professional. She has been there during the great tragedies in my family. She has always been

there. When our daughter Becky died, she was at the hospital. She was the one who came.

She was the one person who had the ability to tell me no, and I would listen to her. Everybody needs someone who tells them "no" and listens to them. I have been privileged to have her be my most trusted adviser for over two decades. She always just got it done. She managed my organization with great skill. I cannot thank her enough for all she has done for me and for my family.

As my colleagues in the Senate are well aware, Fran and I have a big family. We are blessed. We are parents of 8 children, now the grandparents of 10 grandchildren. I would like to take a couple minutes to talk about my family before I end.

First I thank my oldest child, my son Patrick. I always turned to Pat for his thoughts on policy and politics and have so appreciated his help in my campaigns and his keen advice and his input. Pat's three boys—Michael, Matthew, and Brian—are a delight. They are a delight every day. They were a delight to have on the campaign trail. I thank each of them for all their hard work and their efforts.

I thank my daughter Jill, her husband Bill, and their children, Albert, Isabelle, David, Caroline, Justin, and newborn Mary Frances. Jill and Bill and the kids walked in so many parades this summer and fall and throughout the years, as all our kids have. I can't count them. They have always been so helpful and supportive. I thank Bill for his expertise on issues regarding persons with disabilities. He has helped me understand the needs of those with disabilities. He has helped me do more to help them.

Our son John recently completed his Ph.D. in ecology. Fran and I are so proud of him. He and his wife Michele and their sweet little daughter Josie Jean have recently moved to West Virginia, where John is now working on river restoration.

Our son Brian is engaged to Kalie Spink. They are planning their wedding for this coming April. Fran and I are so looking forward to that and looking forward to having Kalie join our family. Brian works in the best job probably in the family. He works for a minor baseball team, the Carolina Mudcats. I envy him every day.

I thank my daughter Alice for the sacrifices she made this year to help with our campaign. She is a law student at Ohio Northern University—my alma mater—and took the fall semester off to work on the campaign where she was in charge of coalitions. Thank you, Alice. You did a great job.

Our son Mark is a sophomore at the College of Wooster, where he runs cross-country and track. Mark is a good person, a person who is very compassionate. For his Eagle Scout project, he traveled to Haiti, a place my colleagues know is very important to Fran and myself. He planted trees



there. He worked with Father Tom Hagan and helped with the reforestation project.

Our daughter Anna is a freshman in high school. She is a runner like all her brothers and sisters. She is a sweet, quiet, caring young woman. She has put up with a lot this past year with her mom and dad being gone quite a bit of the time, going back and forth between Washington and Ohio. But she has handled it so well. We are very proud of her.

To each of my children and grandchildren, Mr. President, I simply want to say thank you and I love you.

As an only child growing up, I was dating Frances in high school and I used to love going over to her house because she had a big family. There was always something going on. I want to thank Fran's brothers and sisters and their families for all they have done for us over the years, their friendship and love and help and support. We are so very fortunate to have all of them in our lives. I want to thank Fran's parents, especially, Bill and Mary Struewing. You are great. No one could have a better mother-in-law and father-in-law. You have put up with me since Fran and I started dating in high school, for a long time, and for that I am very grateful.

Of course, I want to thank my parents, Dick and Jean DeWine. I have talked about my dad on the Senate floor many times in regard to the K-Company and what he did during World War II. I could not have asked for two more wonderful parents. They always believed in me. They gave me my interest in politics. They gave me their values. They gave me their work ethic, and I owe them everything, and I love them very much.

Finally, every day I think of our daughter Becky who died in 1993. Becky was a compassionate, honest, caring young woman who would have done so much with her life. I think of her every day. The things that Fran and I do for children, we do in her memory.

In conclusion, I love Ohio. I love our country. I see a great future for both my State and for America. I am an optimist. My wife Fran says that anybody with 8 kids by definition is an optimist, and I am an optimist. Throughout my career in the Senate and after I leave, I will continue to care about the health and education and welfare of our kids. I will continue to care about stopping the spread of AIDS around the globe. I will continue to help improve the lives of our world's most impoverished men, women, and children. I will continue to care about highway safety and the importance of making our cars and roads safer. I will continue to care about making our communities safe for our families, safe from crime, safe from terrorism.

As I leave the Senate, however, I leave behind unfinished business, as we all do, and I encourage my colleagues to continue the work we shared on so many different issues.

Just this week I introduced the Pediatric Medical Device bill with Senator DODD, a bill that will help ensure that our children have access to lifesaving medical devices that are designed specifically for small bodies. I hope someone will take up that cause.

I thank my colleague TED KENNEDY for working with me, and I was working with him, on the bill to give the Food and Drug Administration the authority to regulate tobacco. It is long past due. It needs to happen. It has not passed, but it will. I know it will pass. I know it will pass, because it is the right thing to do.

Two days ago I introduced a bill to make cars and roads safer for our families, especially our children. That bill would simply direct the National Highway Traffic and Safety Administration to research new ways to keep pregnant women and their unborn children safer in our cars. I hope someone will take that up as well.

I will finally conclude my remarks by thanking the most important person in my life, my bride of 39 years, Fran. As most people know, I would be literally lost without her. She takes care of me. She takes care of our family. She is our rock. Fran is my partner in all things. She is my best friend. She is the passion of my life. She is my love. She is everything to me. We met in the first grade. It took me until the seventh grade to talk her into going out on a date with me, and it took me 7 more years to convince her to marry me. I am a persistent man. We got married between our sophomore and junior years at Miami. We tell people it was a productive 4 years at Miami. We ended up with two degrees and two children by the time we left. I could not have done any of this without her by my side.

She has been through every one of my campaigns. She has done everything. Thirty ice cream socials for 2,500 people who just dropped by her house on a Sunday. She has done that for 30 years. She does anything and everything. She is smart, she is witty, she is organized, and she is very compassionate. She accomplishes more than anyone I know, and she never stops working. I love her more than anything else in the world. Someone said to me earlier this year that if I lost my reelection bid, it wouldn't be so bad, because even if I lost my Senate seat, Fran would still be there by my side. They were right. And for that, I am very fortunate.

Mr. President, my colleagues, my friends, come visit us in Ohio. That is where we will be. After this month, we will be in our home in the county where we grew up, the county where we were born, the county where we live. We will be home in Greene County. Come see us. You are always welcome.

I thank the Chair for his indulgence, and my colleagues.

I yield the floor.

Mr. REID. Mr. President, I know the hour is late and we have other speeches

to give, but I wanted to comment briefly to my friend from Ohio. Senator DEWINE and I came to the House of Representatives together in 1982. We have careers that are similar. He served as Lieutenant Governor for the State of Ohio, I served as Lieutenant Governor of the State of Nevada. He served as a Member of the House of Representatives. I served as a Member of the House of Representatives. He and I served as Senators. Our backgrounds are also the same in that we are trial lawyers. I have heard Senator DEWINE speak on a number of occasions about his days of being a prosecutor.

I also want the record to reflect that I approach my brief remarks here tonight keeping in mind our days as trial lawyers, where you could go into a courtroom representing your client, whether it be the State or an individual, a corporation or an individual, and you would give that client your very best, as would your opponent. But when that trial was over, you shook hands and went on about your business.

I have also had the same experience as MIKE DEWINE. I have lost a statewide election, and I know that is not pleasant. But I want MIKE to know that I admire and respect the work he has done. His wife has been so thoughtful and kind to my wife. We all witnessed these speeches that he has given. Many more people have died in Iraq and Afghanistan from Ohio than Nevada because it is such a heavily populated State, and MIKE's tenacity in directing his attention to each of those families is something that will always be remembered here in the Senate.

MIKE, I want you to know that I want us to have the same relationship as you leave the Senate as if we were trying a case, and one won the case and one lost. We would walk out and shake hands. That is how I feel about you, someone who has been with me and I with you for 25 years, as Members of Congress and doing other things; we certainly have a relationship. I am happy to call MIKE DEWINE my friend.

Mr. MCCONNELL. Mr. President, from time to time over the last 12 years, new Senators have come up to me as they have come to the body and asked the question: How do you do this job? And I usually have responded: Well, what do you want to be? Do you want to run for President? Do you want to be on the Sunday shows? Do you want to pass legislation? A surprising number of them have said they came here to pass legislation, important legislation for America that would make a difference. To every single one who said that, I said: Watch MIKE DEWINE. Go study MIKE DEWINE. The most prodigious, the most effective, the most extraordinary legislator in my time here in the Senate. Quiet, effective, a consensus builder. You see by those who are on the floor here tonight that he has friends on both sides of the aisle whom he has worked with, cultivated,

and built the kind of relationships that make a Senator effective.

So I would say to my good friend, the senior Senator from Ohio, he is a Senator's Senator, the perfect Senator, the master of the art of making a difference. Farewell.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I join in the chorus of praise and thanks to my friend—and I mean that; the word is thrown around here—MIKE DEWINE. We came to this job together. My very first memory of MIKE and Fran DeWine was when we were both wearing tuxedos and Fran and Loretta were in evening gowns, and we were at our first dinner at the White House with President Ronald Reagan as Congressmen-elect. The year was 1982. My wife brought her little handbag, and Fran brought even more to that White House dinner, that formal dinner that evening. She brought a basket and in that basket was her brandnew baby who came with her to the White House dinner. It was the first time I ever met MIKE and Fran. I still have vivid memories of that moment. I think it was a little daughter in the basket, if I am not mistaken, who might be up here. She was on her best behavior then, as she is now.

Another memory I have is when MIKE DEWINE asked me to join him on a trip to Haiti. I saw a side of my colleague from the Senate which many of us have not seen. Fran came along on the trip with bags full of sporting equipment and toys and clothes and food, everything they could jam into this small airplane to bring over to give to some of the poorest kids in the world. We went to the Cirque du Soleil, the poorest section of Port-au-Prince. If you haven't seen that poverty, you haven't seen poverty. It is as bad as it gets. We worked our way back to a little cinderblock school, the Becky DeWine School, named after MIKE and Fran's late daughter. I watched MIKE as he walked through that school and sat down with these little kids, and each one of them poured out to him the love and respect and thanks for all that he had done to provide this basic little school for them.

That wasn't the end of the day, for sure. We were then off to an orphanage where we were trying to help a nun, if I am not mistaken, with a building full of squalling babies, trying to get a little help so she could take care of them. Then he took me on a famous road trip where he wanted to show me one of the rural projects. It knocked out almost all the fillings in my teeth, it was such a wonderful road, and we had one of these glorious CODELS that you read about, bouncing around in a vehicle to go out and visit people who are at the lowest ranks of poverty in the world, with babies with red hair from their anemia and malnutrition and vitamin deficiencies. That is where MIKE and Fran DeWine spent their time away from the Senate. They left a lasting impression and a legacy there. I am

happy we are going to try to continue that legacy even tonight, I hope, or tomorrow as we bring this session to an adjournment.

Time and again, when I was up trying to find a vote, desperately trying to find a vote for global AIDS, for many other causes, I would look across the aisle and hope MIKE DEWINE was sitting right where he is sitting now, because I knew if I could get over there, I had a chance. Every time I would sit down with him, MIKE would say: This is going to be tough. He used to always like to say: I am going to have to pray on this, which meant it was going to have to be a pretty tough political sell for him and for his colleagues. He never let me down. More importantly, he never let down some of the poorest people on Earth. He came through every single time.

MIKE, you have got the heart of gold that we all dream about. I have lost a few elections in my time. It is a sad moment. But as you reflect on your public career and how much good you have done for so many people, your name and your legacy will live on. I am honored to count you as a friend.

Mr. ROCKEFELLER. Mr. President, my heart is full as I think of MIKE DEWINE and his service here in the Senate. I didn't know MIKE when I first came here. I didn't know anything about his visits, I think 13 or 14, to Haiti, his concern for the poor. He seems to have always been motivated by a moral compass which never wavered from those who needed him, and who weren't getting help from others. It is ironic in the best sense that he and I have cooperated on so many pieces of legislation that had to do with children and families and adoption and all kinds of things. It is ironic because in a sense he followed the father, Mr. President, of our Presiding Officer, in that role. You go to MIKE's office, MIKE would come to this Senator's office, legislation would appear, it would pass—and almost invariably get very little attention. That was not the purpose or the interest of the Senator from Ohio. He wanted to do good.

I think of his interest in children and I think that is a moral compass. If you have that in life and you are not going to let go of that in life, then that fixes you, as the Senator from Illinois indicated, in the legacy of the Senate. I also think that his interest in Haiti says more about him than words can possibly measure. What drives a man and his wife to go to that country where most of us have never been? Most of us have the image of it that the Senator from Illinois described but know not of it directly by experience. Vacations, free times, are valuable to Senators and their families. Yet the Senator from Ohio took his time and went to Haiti, year after year, and fought for their problems and said not a word to anybody. I found out about it not from the Senator from Ohio but from somebody completely different. I found out more about it and then deep-

ened my knowledge and my respect for the Senator from Ohio.

Finally, I want to say I have the privilege of serving with him on the Intelligence Committee. The Intelligence Committee is serious business. The Senator from Ohio rose to the peaks of discretion, determination, simply trying to find the truth. He wasn't out to get anybody, to punish anybody, to embarrass anybody. He wanted to get the facts and then from that make his decisions through his votes.

National security on the one hand, children and all of their problems—not just education but children with all of the most complex problems of what happens when you get to be 18 and you have 3 years to get to be 21. The father of the Presiding Officer and I worked on that. Virtually every problem that can afflict children, unattended by most politicians, was taken to heart by the Senator from Ohio who had the advantage of many years of being a prosecutor.

I look upon the Senator from Ohio as absolutely extraordinary, as the majority leader indicated. He is an extraordinary Senator, an extraordinarily fine person, a friend in whom I could put complete and absolute trust, who only was here to do his work for the people and causes he cared about—most of all Ohio but then special groups probably unknown except to his conscience.

I wish you well, sir.

I yield the floor.

Mr. SARBANES. Mr. President, could I ask what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Maryland is recognized.

#### FAREWELL TO THE SENATE

Mr. SARBANES. Mr. President, over the last few days, a number of my colleagues have been very generous in coming to the floor and speaking about my service in the Senate. I am deeply grateful to all of them, and my wife is greatly relieved that the session is drawing to a close because she fears, if it continues and I continue to hear these excessively praising speeches, I am going to take it to heart and she is going to have to contend with the aftermath of all this praise. I do thank all of my colleagues for their very generous and their very gracious remarks.

As my service in the Senate draws to a close, I am above all profoundly grateful for the trust that the people of Maryland placed in me for the last 40 years—first as a State legislator, then three terms in the House of Representatives, and now five terms in this distinguished body. I think that trust is the greatest honor that any American could hope to have. I am deeply appreciative of it.

I could not have risen to the challenge that these opportunities for public service have provided without the constant support and the wise and reasoned counsel of my family. First of

all, and above all, my wife Christine, whose high standards and dedication to our family and to our country are beyond measure and have been a constant source of inspiration to me. The support and commitment of my children, their spouses and their children has been deeply gratifying, and I am indebted to them for the encouragement they have always provided and also, if I may say so, for their astute criticism, on occasion. My sister and my brother and their families have also been, as one would expect, a constant source of strength, and I am deeply grateful to them.

My parents came to this country as immigrants from Greece, both my mother and father, and it was from them that I first learned about the meaning of a democratic society and the potential it offers to move up the ladder of opportunity on the basis of ability, hard work, and conviction. Their memory is still a very powerful influence in my life.

I could not have met the responsibilities of this office without the support of staff who have been ever ready to work at the highest levels of competency, often under great pressure, and to stand up always for what they believe is right. I am deeply grateful for the principled dedication and sharp intelligence they have brought to their responsibilities—whether they were serving on my office staff in Washington or in my offices across the State of Maryland; whether on the staff of the Banking Committee, the Foreign Relations, the Budget and the Joint Economic Committees on which I have served, or the staff of the Senate generally, on whom the efficient functioning of this legislative body depends.

I think it is important to pause from time to time to think of the many men and women—they are sitting right here at the tables and outside the doors and all across the Capitol and in the office buildings—who make it possible for us to function and who bring a dedication to their work that is greatly encouraging. In fact, it has been a source of encouragement and inspiration to me. Working with all of the staff and in particular, of course, my own personal staff, has been one of the great rewards of serving in public office.

I leave the Senate confident that Maryland's representation in this body will be in good hands. For the past 20 years, it has been a privilege to work closely with my colleague from Maryland, Senator MIKULSKI, who will soon become our State's senior Senator. What a fighter she is for a better America. And what a path-breaker she has been in the course of her political career.

It was likewise a privilege to work with her predecessor in this body, Senator Mathias, with whom I developed a close friendship. Both have been wonderful partners.

It is especially gratifying to know that, in the 110th Congress, BENJAMIN

CARDIN will take this seat and be Maryland's junior Senator. BEN CARDIN has given extraordinary public service to the people of Maryland. As a Member of the House of Representatives, he has for 20 years represented our Third Congressional District with great distinction, and prior to entering the House of Representatives, he served for 20 years with equal distinction in the Maryland legislature, including an outstanding tenure as Speaker of the House of Delegates. He is an experienced legislator of the first rank, and he is tireless in carrying out effectively the responsibilities of his office. I know my colleagues will enjoy their work with him in the coming Congress.

My wife and I are gratified that our eldest son JOHN will, in January, be sworn in as a Member of the House of Representatives to represent the Third Congressional District in the 110th Congress.

Throughout my years in public service, I have worked to the limits of my ability to provide the people of Maryland and the Nation dedicated, informed, and independent representation based upon the fundamental principles of integrity and intelligence. I have been guided in this effort by a vision of a decent and just America, based on a strong sense of community and offering fairness and opportunity to all its people. These values and that vision were shaped by my family and the community where I grew up, by the pride my Greek immigrant parents took in their citizenship in their adopted country, and by the high standards of service that community leaders set in a small community on Maryland's Eastern Shore, Salisbury, MD, as I was growing up. Those values and that vision are as clear and as steady today as they were when I first entered public service.

Service in this body has reinforced, many times over, my understanding and commitment to the institutions upon which our system of democratic governance critically depends. I have constantly kept in mind the words reportedly spoken by Benjamin Franklin in Philadelphia at the conclusion of the Constitutional Convention. We are marking this year, of course, as my colleagues know, the tercentenary of Franklin's birth. The story is told that, as he came out of the Constitutional Convention, the oldest delegate there, a woman in the streets of Philadelphia called out to Franklin and said:

What is it to be, Dr. Franklin, a monarchy or a Republic?

And Franklin's reply was:

A Republic, Madam, if you can keep it.

A Republic, Madam, if you can keep it—the challenge that Franklin uttered that day in the streets of Philadelphia is a challenge each generation of Americans face. All Americans bear the responsibility to rise to Franklin's challenge but none more so than the Members of this body.

I have been honored to serve with Members, past and present, who have

embraced the challenge and sought, through common effort, often under difficult circumstances, to strengthen our Republic and to make the promise of America a reality for all of our people.

As I prepare to leave the Senate, I want my colleagues to know how deeply I appreciate their friendship and counsel and how highly I value the privilege of having been their colleague. So long as the vision of America's promise continues to shine brightly in this body, I have every confidence that our Nation will prevail in the face of great challenges and that its future will be assured.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have expressed my feelings about PAUL SARBANES. I have spoken before the Democratic caucus about my affection for PAUL SARBANES.

I would like to read from the Congressional Directory something that this humble man did not tell us. His Bachelor's degree at Princeton University, magna cum laude, and Phi Beta Kappa; Rhodes Scholar, Balloil College, Oxford England; first-class B.A. honors in School of Philosophy, Politics and Economics; LL.B., cum laude, Harvard Law School.

These are the things he didn't tell us. He is a man of great humility, a person the leaders whom I have served with in the Senate—Senators BYRD, Mitchell and Daschle, Democratic leaders—counted their font of wisdom, without question. I sat for 6 years with Senator Daschle, and whenever there was a difficult issue facing him, he had to talk to SARBANES. I, on a number of occasions, went and obtained SARBANES to come and visit with Senator Daschle.

I am disappointed that PAUL SARBANES is going to be leaving because that font of knowledge, that font of wisdom will no longer be available to me. The leaders used the knowledge and the wisdom conveyed to them by Senator SARBANES for the good of the Republic.

Senator SARBANES has heard me on a number of occasions express my appreciation for his friendship and for his dedication to our country, but he has also heard me on every occasion I have had the opportunity to talk about his athletic prowess.

PAUL SARBANES, even though he kind of saunters around with the dignity of a Sarbanes, as a young man he was a good athlete. My favorite story some of our colleagues heard me say, and I know Senator SARBANES has heard me say it and he is going to hear it again. He was selected as one of the best baseball players in all of Maryland. He comes from the Eastern Shore for the All-Star tournament in Baltimore. The starting lineup is announced: SARBANES, second base. He goes to speak with the manager and says: I am a shortstop. The manager ignores him. He comes back a little bit later and says to the manager: I was selected to

be an All-Star second baseman. The manager ignores him. He goes back a third time. The manager says: SARBANES, leave me alone. I'm starting Kaline at shortstop.

Of course, we know Kaline went on to the big leagues when he was 18 or 19 years old.

I am going to miss this good man and his wife Christine so very much. He is what, in my estimation, a Senator should be.

Mr. DURBIN. Mr. President, I said a few words on the floor the other day. I meant every one of them. Senator PAUL SARBANES has been kind enough to thank me. I wanted to say briefly that from time to time people back in Illinois would ask me: Of all those Senators whom you serve with, which ones do you respect the most? Without hesitation, I would always mention the name PAUL SARBANES. I respect him so much, not only for his intelligence and his good humor but also for his wit and his wisdom.

The reflective past he has referred to in public service starts in the House of Representatives, his service on the House Judiciary Committee during the tumultuous days of the Watergate hearings, impeachment trial, and coming full circle to the Senate. He has a lifetime of public service to be proud of.

Christine, his wife, has been at his side. And I know she has shared in many of the great victories that their family has been able to point to. The greatest victory, I understand, is now the election of her son. She is so proud, as PAUL told us, their son John is going to follow in his father's footsteps as a Congressman in this upcoming Congress.

I will truly miss PAUL SARBANES as a great Senator and a great friend.

Ms. MIKULSKI. Mr. President, I, too, want to join in the chorus of colleagues by thanking Senator SARBANES for all he has meant to Maryland, all he has meant to the Senate and all he has meant to the country and all that he has meant to me.

I knew Senator SARBANES 20 years ago, but I knew PAUL SARBANES long before that. I knew him when he was a young lawyer starting out to run for the House of Delegates. I was also, at that time, a young social worker. We were working to stop a highway in the neighborhood. We were the young reformers. Baltimore was dominated by political bosses, by the political machine. And PAUL SARBANES was the first one to buck the machine, to kind of go directly door-to-door to represent the people. Baltimore has not seen for years someone who would actually go out and knock on doors asking people for their vote, bypass the existing establishment and empower the people.

Senator SARBANES won that House of Delegates seat and did a great job.

Then he had a hard-fought, again, door-to-door battle—bucking the big boys and big bucks, door-to-door going right through, going directly to the

people who brought him to the House—and

In 1976, that wonderful Washington centennial year, we in Baltimore, the home of the Star Spangled Banner, celebrated by sending PAUL SARBANES to the Senate. And, by the way, that young social worker went to the House of Representatives.

Senator SARBANES and I have been side by side for those years. All of my colleagues have talked about the enormous trust and respect they have for him.

Much has been said and there is much to be respected about Senator SARBANES—his integrity, but trust is really the word. You can trust Senator SARBANES. You can count on Senator SARBANES. You always knew he would be there when you needed him. The people of Maryland knew that when they needed him to be able to stand up for those who didn't have a voice, people with dirt under their fingernails, the people who worked in those kinds of jobs where at the end of the day you have a bad back, you earned the minimum wage, you didn't have a health benefit, and you wondered who really cared about you, PAUL SARBANES would do that.

When people invested their life savings and their pension and saw corporate greed eating all of that, they wondered who would speak for honesty and integrity. They knew they could trust PAUL SARBANES.

On issue after issue, people knew they could trust him—and they certainly could.

You could also count on his wonderful staff. The Mikulski staff has such great admiration for the Sarbanes staff. It is so outstanding. Similar to the man they work for, they bring great intellectual vigor, great integrity, and a great ethic of hard work.

We often laugh that we are the “diner Democrat.” Senators have heard about Senator SARBANES' mom and dad running a diner, my mom and dad owned a grocery store. We were kind of the grassroots retail people. So we feel very close to the people.

But again, a tribute to him would be incomplete without recognizing the dynamic duo of Christine, who has been an outstanding partner for PAUL SARBANES and quite a force in the community in her own right. Whether it has been working for the U.N. and for UNICEF in their own community, to be on the library board to expand literacy opportunities, Christine has been a force in and of herself and for their wonderful children—John who now joins us in the staff.

I could talk at length about PAUL SARBANES, but I will tell you he has been my friend. We have sat next to each other on the Senate floor. We have actually voted in the Senate precincts. When I came to the Senate, I was the only Democratic woman to serve here. But I had a saying as I traveled Maryland and traveled throughout the country. When people said: How

does it feel to be the only Democratic woman in the Senate, I said: You know, I might be all by myself, but I am never alone. I have PAUL SARBANES. And that is true for the people of Maryland.

We wish him well. I know I am going to be seeing him. Wherever there is a good bagel or a good political event, I know that PAUL SARBANES will be there.

PAUL, Godspeed and God bless.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am very moved by the words of Senator MIKULSKI. And as I look over there at the two of them side by side for so many years, I feel a void already because they have been so outstanding as a team. And I must say they are an inspiration to all of us who have watched their friendship, genuinely caring about each other and their amazing partnership for the people of Maryland.

I certainly can't add anything more to what Senator MIKULSKI has said. I will try to say, from my perspective, a little bit about what Senator SARBANES has meant to me.

It is a story that not many people know. But when I was in the House of Representatives, I was called on to speak about the environment at the Democratic Convention when Geraldine Ferraro was the Vice Presidential candidate and Walter Mondale was the nominee. That was a long time ago. I was thrilled. I was an unknown House Member. Now, of course, I am so excited to be taking over the reins of the Environment Committee, but the environment has been a signature issue.

Well, what happened that night, I was slated to talk in prime time. But something funny happened on the way to the forum, which was that Jesse Jackson spoke at the convention. And he spoke and he spoke and he spoke, and then he spoke some more. And then they cheered him on, and then he spoke some more. Well, this was my moment in the Sun. I had bought a new suit. I called my mother on the East Coast. I said: Ma, big time. She kept saying: When? And it kept going on and on. Now, when Jesse Jackson finished his amazing oratory, the entire place emptied out. There was no one left in this huge arena. The chair of the convention had to say: Please leave quietly, we have another speaker. And it was me. No one was left but my family and PAUL SARBANES. He knew me just a little at the time. He wanted to encourage me. And he sat down right in front of me with a sign that said something like: Go, Barbara, go green—or something like that. He stood there and cheered.

Little did I know at the time that he would, many years later, welcome me to the Senate, as of course he did.

I know there is other business coming before the Senate. So I am not going to speak very long at all except to say this: What a privilege it has been, PAUL, to work with you. We are on the Foreign Relations Committee

together. For a time we were on Banking and Budget. And I watched you like a hawk. You are a humble man, but you could quiz a witness like nobody else and with your quiet voice made your point and made a point for the people.

I think you are one of the finest minds the Senate has ever had. I think that you have one of the finest hearts. You don't wear it on your sleeve, but you do. And I want you to know I have benefited so much watching you and learning from you, and even tonight as you made your farewell talk, you spoke so little about yourself. You spoke about your family, but the most important thing you spoke about is this great country that has lifted us all up, the three of us on the floor tonight. We know what it is like to be born in a lower middle class family and struggling our way up. We want to make sure that opportunity is there. That is what you spoke about tonight, in all your eloquence.

So I will miss you very much. I thank the people of Maryland for being so wise to send us two such Senators. I know PAUL SARBANES has many wonderful days ahead and much work awaits him.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to pay tribute to my good friend and colleague, the senior Senator from the great State of Maryland, who will be leaving this body at the end of this Congress. PAUL SARBANES and I have shared the past 30 years in this body together, and I can say that the Nation will be losing one of its most talented, well respected, and principled public servants when he steps away from the office he has held with such honor and integrity.

PAUL's career is one that I believe still to this day reflects the values instilled upon him by his parents, Greek immigrants to this country, who infused in him a strong work ethic and a sense of service to others. He worked his way through school while growing up on Maryland's beautiful Eastern Shore and earned a scholarship to Princeton University, where he excelled academically, and earned a Rhodes Scholarship to Oxford. If that weren't enough, PAUL also went to Harvard Law School.

With all his abilities, with his clear leadership potential and promising future, PAUL chose to dedicate himself to the service of others. From his years in the Maryland House of Delegates, to his time across the Capitol in the House of Representatives, through his years here in the Senate, PAUL has always used his unique abilities and vast knowledge, tirelessly working towards finding solutions to the country's most pressing issues.

That is why I was so honored to be able to work closely with him in drafting portions of the Public Company Accounting Reform and Investor Protection Act of 2002, more commonly known as the Sarbanes-Oxley Act.

PAUL's leadership as Chairman of the Banking, Housing, and Urban Affairs Committee was needed more than ever as the America people learned of the deception that corporate leaders had perpetrated. In a business culture that seemed to reward greed and devalue honesty and accountability, PAUL was able to create a bipartisan piece of legislation that mirrored his values and took a stand for countless ordinary Americans who were victims of the prevailing culture of corporate excess. It was my distinct pleasure to work with him in such a noble effort, and I believe it is fitting that such important legislation bears his name and will serve as a testament to his character for many years to come.

I will miss PAUL SARBANES, although I take comfort knowing that he won't be far away. His career is a lesson to us all in what the Senate is all about. It is with a heavy heart that I bid my friend farewell, and thank him for setting such a wonderful example for us all to follow.

I know he will stay a clear voice for America—but now he and Christine can also have the time together they so deserve.

Mr. HATCH. Mr. President, I would like to take a few minutes to reflect on the remarkable career of my good friend and colleague, Senator PAUL SARBANES, and to thank him for his service to our country.

The life of PAUL SARBANES is the archetypical story of America. He is the son of Greek immigrants who moved to the Eastern Shore of Maryland and started their own restaurant, where PAUL helped out after school. His parents encouraged him to get an education, a message that he took to heart. He received a scholarship to Princeton, was a Rhodes Scholar, and then graduated from Harvard Law School.

After graduation, he quickly gained a taste for economic policy by working at the Council of Economist Advisers during the Kennedy administration under Walter Heller, when the famous Kennedy tax cuts were passed. I am not sure that people around here fully grasped—and he is certainly not one to toot his own horn the depth of his experience in the area of economics, but it is substantial.

He entered the Senate the same year I did, 1976, after stints in the House of Representatives and the Maryland House of Delegates. He quickly sought to use his economic acumen and joined the Banking Committee and the Joint Economic Committee, both of which he would later chair. He played an integral role in the Banking Reform Act of 1999 that made it easier for banks to diversify their investments and increased competition in the industry, giving consumers wider choice in this arena and better returns to their savings. While we all acknowledge and bewail the low savings rate in this country and grasp for ways to fix it, the reforms passed by PAUL were an impor-

tant step in the right direction that we can and should build on.

He has also fought a yeoman's battle to improve the quality of economic data produced by our Government. It is a topic that sounds deadly dull, but it is vitally important, and PAUL SARBANES has made it his duty to get this accomplished. Thanks to his efforts we have much more accurate, reliable, and timely data on economic growth, wages, and employment. We may not always agree on how our Government should go about trying to increase these economic indicators, but because of PAUL's efforts we know much better what we are arguing about and how successful our efforts have been.

To me, that is one of the marks of a great Senator: being willing to take on a low-profile issue that gains him nothing with the press or his constituents, but nevertheless improves our well-being. The economists that use this data and the statisticians that work for producing the data know exactly how much PAUL's leadership has benefited the country, and this is something that I want the rest of the country to know as well.

Of course, despite his numerous accomplishments in the Senate, he will be best known for his authorship of the Sarbanes-Oxley Act of 2002. I do not need to remind my colleagues that in 2002 our financial markets were in sore shape and in dire need of ameliorative steps of some sort. People were beginning to lose faith that they could trust putting their money in the domestic stock market, a state of affairs that potentially threatened the very fiber of our economy. In the Congress there were lots of ideas on how to fix this but very little consensus.

PAUL waded into this morass and helped shape an all-encompassing bill in short order that addressed many of the problems endemic in our financial markets. Thanks to his skillful maneuvering and that of his House partner on this bill, MIKE OXLEY, this legislation quickly passed the House and Senate and became law, stanching the wound in our financial markets. Like every major piece of legislation passed by the Congress, the Sarbanes-Oxley bill was not perfect. However, today the Dow Jones Industrial Average is near an all-time high and over 50 percent higher than in the summer of 2002, in no small measure thanks to Senator SARBANES' efforts.

This is, and remains, a mark of a Senator of distinction: One who rises to the occasion when a crisis ensues and creates an environment where Members can work together, across party lines, and with scarce regard to short-term political exigencies, to come up with a solution.

To my esteemed colleague, Senator PAUL SARBANES, I give you my best wishes in retirement, our thanks for a sterling career in service to your country, and my gratitude for your friendship over these many years.

Mr. LEVIN. Mr. President, I want to join my colleagues in bidding good

wishes and Godspeed to Senator PAUL SARBANES, the senior Senator from Maryland and the longest serving Senator in Maryland history, as he retires this week.

Senator SARBANES was elected to the Senate 2 years before me, and thank goodness he was here. PAUL SARBANES has been a dear friend, an indispensable source of wisdom, a trusted ally, and an inspiration. Senator SARBANES and I even briefly shared an office, when the anthrax attacks of 2001 forced him to leave his office in the Hart Building and set up shop temporarily in my conference room. After years of close cooperation, we were literally working side by side.

What I have found over these years is that PAUL SARBANES is one of the smartest, kindest, and most thoughtful public servants in Government. He is quiet and does not seek the limelight, but behind his calm demeanor is a skilled legislator with a keen mind. Senator SARBANES operates by compromise and by building consensus, but he also has plenty of backbone when it is needed. He knows when to coax, when to charm, and when to say "enough is enough" and get things done.

In the wake of the accounting scandals at Enron and other corporations, it was Senator SARBANES' leadership that led to the most significant reforms of accounting practices in a generation. The landmark Sarbanes-Oxley legislation, which grew out of his longstanding commitment to corporate responsibility and high ethical standards in business, curbed some of the corporate abuses that had shaken investor confidence in American business.

That law has produced its critics, but most of the detractors are unhappy because Sarbanes-Oxley is so effective. Sarbanes-Oxley forces accountants to actually review the books. It forces CEOs to understand, review, and sign off on the company's financial statements. And it forces companies to produce meaningful financial statements with internal controls that back up the numbers. There are some critics who are waiting for Senator SARBANES to leave the Senate, hoping to weaken what he built, but they will find many Senators, including this one, who will fight to maintain high standards. Sarbanes-Oxley will continue to serve as the foundation for reasonable regulation of our capital markets.

While his name will always be associated with the Sarbanes-Oxley law, Senator SARBANES remains an unsung hero for another accomplishment: cracking down on money laundering through the PATRIOT Act. I want to sing his praises on this for a moment because it is an issue I am passionate about and because Senator SARBANES deserves greater recognition for his work.

For several years prior to the 9/11 attacks, I worked on strengthening anti-money laundering laws—holding hearings, producing reports, and writing legislation but my effort had not suc-

ceeded. After 9/11, it was clear that U.S. anti-money laundering laws were full of gaps and vulnerabilities that needed to be addressed. But it was also clear that many in the financial industry did not want to have to operate under tougher laws. Nothing would have been accomplished even then if PAUL SARBANES had not stepped up and led.

In the month after 9/11, Senator SARBANES showed his legislative genius by taking a diverse group of provisions suggested by many different Senators and House Members, taming the competing interests, and writing a package quickly enough to be included in the PATRIOT Act. His own contributions included a key provision to make anti-money laundering programs mandatory rather than optional and to require anti-money laundering programs at a wide spectrum of financial institutions, such as securities firms and insurance companies, not just banks. He also required for the first time that securities firms report suspicious activity.

In addition to these major changes, PAUL helped enact a variety of provisions that I had been pushing for years. For example, he included my provision that barred banks and securities firms from opening accounts for shell banks, closing a major gateway for money laundering. He also helped shut down the flow of dirty money from foreign dictators who were looting their own countries and depositing their ill-gotten gains at U.S. banks by including my provision to make proceeds of foreign corrupt practices covered by our money laundering laws.

And he did all of this work in 1 month, running the conference committee out of his hideaway office in the Capitol with 1 computer, 3 phones, and a shifting group of about 50 staffers from the White House, Senate, House, Justice Department, Treasury, and other agencies. He was the only Senator who was present throughout the entire conference, and it was his work at key moments that kept the anti-money laundering provisions in the PATRIOT Act. Senator SARBANES' leadership is one of the great untold stories of that bill, and I hope that his role will one day be properly recognized.

PAUL SARBANES has given Maryland and America a lifetime of public service, on President Kennedy's Council of Economic Advisors, in the Maryland House of Delegates, in the U.S. House of Representatives, and in the U.S. Senate. I know that PAUL is proud that his son JOHN will now carry on that tradition of service, having been elected last month to represent Maryland's 3rd district in the House. We will welcome JOHN SARBANES to Congress, but we will greatly miss his dad.

My wife Barbara joins me in congratulating Senator SARBANES on his retirement and in wishing him and his wife Christine all the best. We treasure their friendship and hope they will visit our Senate family often.

Senator SARBANES, with apologies to your Greek forbears for my pronunciation: *chronyapola*. May you have many years.

Mr. MARTINEZ. Mr. President, today I acknowledge and honor my colleague, Senator PAUL SARBANES of Maryland. As Maryland's longest serving U.S. Senator, Senator SARBANES, leaves our great Halls with a legacy of distinction and an undying dedication to his State and this country. I have tremendous respect for PAUL SARBANES, and the statesmanlike ethics he has brought to this institution. Though his three decades of service contain many significant achievements, none stand out more for me—on a personal level—than when Senator SARBANES assisted in my confirmation process to become the Secretary of the U.S. Department of Housing and Urban Development. I greatly appreciate the opportunity I had to serve this country in that capacity, and Senator SARBANES played no small role in allowing me to do so.

Thank you, Senator SARBANES, for your meaningful work and lifelong commitment to public service.

Ms. SNOWE. Mr. President, I rise to honor in the highest possible terms and with profound respect, Senator PAUL SARBANES, one of the true giants of this institution, a sterling public servant and an inspiration to the people he has represented for 36 years—30 of them in the U.S. Senate, where he has since become Maryland's longest serving U.S. Senator. I am grateful to call him a dear friend and treasured colleague.

A graduate of Princeton University and one of only two Rhodes Scholars in the current U.S. Senate, Senator SARBANES has brought a remarkable and stellar mind to his venerable legacy of public service. Elected to the U.S. House in 1970 and to the U.S. Senate in 1976, he has served the people of Maryland with exemplary integrity and distinction.

The principles of fairness and opportunity have directed his tenure of tireless civic contribution, characterized by a relentless dedication to serving the public interest—a devotion to defending and promoting the common good exemplified by his efforts to enact the law that today bears his name—The Sarbanes-Oxley Act.

I also share a bond with PAUL SARBANES that transcends our service together in the U.S. Senate, including our substantial work together on the Senate Budget Committee as well as on the Senate Foreign Relations Committee. We are both the children of Greek immigrants—both of our parents owned restaurants and inculcated in us a passion and commitment to education, service, and hard work.

PAUL SARBANES has been a hero to Hellenic-Americans for decades. On countless occasions I have been referred to as "one of two Greek-Americans in the U.S. Senate" and I am so proud that the Senator from Maryland,



PAUL SARBANES, has been the other. Whether serving in the Maryland House of Delegates, the U.S. House of Representatives, or the U.S. Senate, PAUL has always been driven by the same Hellenic principles that make our heritage and community great. He remains an inspiration to innumerable Hellenic-Americans.

As a result of heroic and Herculean service, PAUL SARBANES was honored in June 2003 with the prestigious Paul H. Douglas Ethics in Government Award from the University of Illinois—established in 1992 to honor Senator Douglas, a man often labeled “the conscience of the United States Senate.” The award was fittingly designed to honor individuals who have made a substantial contribution to promoting ethics. And Senator SARBANES also received the Cox, Coleman, Richardson Award for Distinguished Public Service, from Harvard Law School in March 2004.

Senator SARBANES’ vigorous and exemplary engagement in matters of public affairs undeniably epitomizes the following admonition from Pericles in his funeral oration more than 2,000 years ago that “we do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all.” Being involved in the civic life of one’s community, country, and heritage was not an option for the sons and daughters of Pericles, and it has been an expectation that the legacy of Senator SARBANES inspires all of us to meet.

As much as the Senate will miss his esteemed presence and I will miss his collegiality in this Chamber, I am heartened by our enduring friendship and by a new generation from the SARBANES family entering public life in the upcoming Congress with JOHN SARBANES, serving in the U.S. House.

Ms. MIKULSKI. Mr. President, I want to say something about my departing colleagues on the other side of the aisle.

LINCOLN CHAFEE

To my colleague from Rhode Island, I thank the Senator. In all actions it has been a tone of civility. We have always sought common ground. I express my gratitude for the Senator’s service to Rhode Island.

MIKE DEWINE

And the departing Senator from Ohio, Senator DEWINE, said some very kind things about his work with me. I, too, want to comment that working with the Senator when moving important legislation in the Committee on Health, Education, Labor, and Pensions was an outstanding opportunity, again, of bipartisanship. MIKE DEWINE and BARBARA MIKULSKI passed the Older Americans Act twice when it previously had not passed or been reauthorized in 5 years. We did work so constructively with the Committee on Finance in terms of the recent pension bill.

Again, we worked on many projects related to national security together.

I thank Senator DEWINE not only for his kind words but, again, his ongoing efforts, always with the tone of utmost collegiality when he worked with me, and his staff.

CONRAD BURNS

And to the departing Senator from Montana, who has a voice about the same decibel level of my own, I wish him well. Again, on the Committee on Commerce and on the Committee on Appropriations we worked very well, particularly on those issues that were important to science and technology, new ideas, new thinking, but old-fashioned values.

A lot is said about changing the tone, but when we hit the right tone we also hit some pretty high notes. I thank my colleagues and wish them well and Godspeed until we meet again.

The PRESIDING OFFICER (Mr. MARTINEZ). THE SENATOR FROM IOWA.

#### TAX EXTENDERS

Mr. GRASSLEY. Mr. President, pretty soon we will be taking up the tax bill that includes trade provisions and health provisions. I will start debate on that so we can use our time very efficiently.

We are at the end of a very long road on what should be routine business: The two tax-writing committees have many provisions that have either expired or will expire shortly. The provisions cover three major areas of our jurisdiction: tax, trade, and health.

The foundation of this bill is a tax-writing committee’s agreement that goes back to last summer on the core package of expiring provisions and other items that were dropped from a reconciliation tax bill we passed early last spring.

These provisions that were dropped were put together in what is called a trailer bill. That is an odd name for a bill. The bill has been held up for so long that some people have probably forgotten the reason for the nickname. I will remind everyone it is a trailer bill because it covers tax provisions that were dropped out of the tax reconciliation conference agreement of last spring. That conference agreement includes the cornerstones of both House and Senate bills which now have been signed by the President more than half a year ago.

The cornerstone of the House bill was a 2-year extension of the lower rates on capital gains and dividends. The cornerstone of the Senate bill last spring was an extension of the hold harmless on alternative minimum tax. I was pleased we covered the cornerstone of both bills. We only had revenue room to cover those two provisions.

The other provisions, principally what we call tax extenders, and what now will soon be before the Senate, were decided to travel in a bill that would follow, or trail. Hence, the name trailer bill.

The two cornerstones, alternative minimum tax and capital gains and

dividends, were very important achievements by this Senate last summer and when they were originally passed in 2003. The 2-year extension of capital gains and dividends was a key priority for my conference though we were pleased to garner some Democratic votes, as well. It was a priority for Senators FRIST, KYL, LOTT, GREGG, and others. I was pleased we were able to deliver on that priority in that conference last spring.

The alternative minimum tax was the other cornerstone. The alternative minimum tax, everyone recognizes, is a widespread tax problem because at least 15 million families will be affected. It was necessary to help those families so they were not paying a tax that was never intended to be foisted upon them in the first place and would not have been if the original alternative minimum tax passed in 1969 had been indexed. We assured all of these 15 million families that their lives would not be unnecessarily complicated by the tax system.

The trailer bill took several weeks of intense negotiations. The negotiators were Chairman THOMAS of the House and Senator BAUCUS and me in the Senate. They were tough negotiations, but they produced a fair agreement. That agreement, with some additions by the leadership, was included in the trailer piece of the trifecta bill that came up in July where we tried to pass a reform of the estate tax with, sort of cute processes that were put together but did not deliver the number of votes to break a filibuster. That, of course, occurred 4 months ago. A bill that should have passed 4 months ago we are still dealing with. That is the way the Senate sometimes works. That is the way the Congress sometimes works.

Chairman THOMAS represented the House, Senator BAUCUS represented Democrats, and I represented Senate Republicans. It was a bicameral, bipartisan agreement. In our view, that agreement was closed. No items should be subtracted. No items should have been added. A deal made last summer is still a deal now. Changes would only occur if all the parties to the agreement consented.

When we returned, we all knew we didn’t have another 5 or 6 weeks to renegotiate the trailer bill so we kept mostly to that original agreement. In getting to that agreement, I pushed hard for several Senate issues to be resolved. I am referring to items other than the basic 2-year extension of the provisions that expired on December 31, 2005. I will go through a few of those items.

First, there is a package of added incentives to enhance Hurricane Katrina rebuilding efforts. Senator LOTT took the lead on that package along with support from Senators VITTER and LANDRIEU. We modified these provisions with the work of these Senators.

Second, there were tax relief incentives for mine safety. Senators BYRD, SANTORUM, and ROCKEFELLER argued for these important provisions.

Third is an expansion of the veterans mortgage bond program. This is a program the States use to provide veterans who return from combat with low-interest loans so they can buy their families a home. Senators DEWINE and SMITH advanced these provisions.

Fourth, there is a proposal to provide a deduction for private mortgage insurance for low-income home purchasers. Senators LINCOLN and SMITH deserve credit for those provisions.

Fifth, there was a proposal to level the playing field between individual and corporate timber capital gains transactions. This provision would have ensured that timber-growing areas and related mill towns will not be disadvantaged if the timber company is a corporation. Most, if not all of the Senators from the timber-growing States of the Pacific Northwest, and the Southeast of the United States, had an interest in this provision. This proposal was dropped from the package, but I want my colleagues to know I argued for it.

These are a few of the proposals that were negotiated and resolved in the trailer package. In my role as chairman of the Committee on Finance, I protected these Senate provisions.

In the second round of negotiations, our Senate leadership backed me as we proceeded through the trailer issues. I appreciate Senator FRIST's patience and support in our efforts to reach agreement.

Why have I pushed so hard for this trailer package? There are two basic reasons. The first is for the 19 million tax filers who may face compliance problems because of uncertain tax law. The second reason is the hundreds of thousands of business taxpayers who have been in limbo waiting for final approval of measures such as the research and development tax credit.

So let's look at some of those in detail. First, take a look at the Committee on Finance Web site. On September 13 and 26 of this year there are press releases that explain Committee on Finance tax staff research. At my request, the tax staff looked into the effects of delaying action on the three widely applicable expiring middle-income tax relief provisions: deduction of college tuition, teacher out-of-pocket classroom expenses, and State sales tax deduction. We are talking about a group of up to 19 million tax filers being affected. Tax filers mean families filing jointly and individually as singles. In other words, we are talking about a lot more than 19 million taxpayers.

The professional staff, all experienced tax practitioners who discussed this problem with the IRS, came to the conclusion that delaying action on extenders into the lameduck would have adverse consequences for that group of 19 million taxpayers. I won't go into the details. They are found on the Web site.

So everyone knows, I have a few charts to show the impact of these provisions

on these 19 million people. First, we have the college tuition deduction on the chart behind me. Between 4 and 6 million families, students, took advantage of this deduction in 2004.

The next chart shows teachers benefiting from the educator expense deduction, where teachers pay out of their own pocket for materials for the classroom. For the last several years we have allowed a deduction. I suppose those supplies ought to be paid for by the school district but sometimes the school districts don't do it, the teachers need it, they want to help their kids, they pay for it out of pocket. We have allowed a tax deduction. That should not be allowed to expire. Nationwide, there are 3.3 million teachers who benefit from this deduction.

Finally, in the next chart I have the sales tax deduction chart. In 2004, almost 11 million families and individuals were helped by this deduction. If we do not get this bill passed, they lose that deduction.

Serving as chairman of this committee is a privilege and a responsibility. I might say to my friend, Senator BAUCUS, who will be incoming chairman because the Democrats won a majority in the last election, I look forward to returning to the chair in a couple of years.

I thank the people of Iowa and my friends and colleagues in the Senate Republican conference for that privilege. I have enjoyed every day I have served as chairman. It brings responsibilities as well. One of those responsibilities is tax policy.

Now, whether an individual Senator agrees or disagrees with a particular expiring tax relief matter is always debatable. We all have opinions on a multitude of things, and particularly on tax policy. Probably no two Finance Committee members, let alone two U.S. Senators not on the committee, agree on all expiring tax relief measures. What we ought to agree on is that we should not deliberately—and I underline that word, “deliberately”—take actions to unnecessarily complicate taxpayers' efforts to comply with our admittedly complex tax system. That is what delaying action on these provisions means.

There are no ifs, ands, or buts—we need to act quickly. We are already about a year overdue. But if we get it done yet before we adjourn, we will take care of most of the problems taxpayers would otherwise have. The 2006 IRS forms were finalized, but the IRS hopefully can act to mitigate problems for these more than 19 million taxpayers with supplemental forms.

As chairman, I would not be doing my job if I stayed silent. I spoke out. It is my responsibility to these 19 million taxpayers. Some could call it complaining. Some might call it annoying. Others could call it persistence. It is just simply doing my job. When you are talking about up to 19 million middle-income taxpayers who are trying

their best to comply with the tax system, I will complain until I run out of breath.

So that is the first reason I have been pushing for resolution of these matters, going back to the strong statements I made on the floor of this Senate at the time the trifecta bill was defeated last July and going back further since the reconciliation bill was passed in early spring.

The second reason I pressed for quick resolution was the expiring business-related tax incentives. These matter. Just think about what you have heard from your constituents about the need for the research and development tax credit to continue and not lapse. These are all overwhelmingly popular in the House and Senate, but they are also good for our economy. Businesses are in limbo on these provisions. We are talking about almost a year of being in limbo and at least another month yet to come by the time we work this through and the President gets this signed.

A lot of businesses in good faith relied on my assurances. They relied on assurances made by the congressional leadership in May of 2006. These business folks were assured these extenders would be done. In my own State of Iowa, for example, a major business, Rockwell-Collins of Cedar Rapids, IA, took a financial hit because we dilly-dallied around with the reauthorization of the R&D tax credit.

It is not just that management cares. Iowa is a manufacturing State, and we are proud of our research and development. Thousands of Iowa employees in these companies have a right to ask why this popular provision that does so much economic good has been delayed now at least 6 months—some people could argue 8 months—beyond the time it should have been signed by the President.

Aside from the new proposals I have talked about, the core tax extender package prevents tax increases on more than 19 million taxpayers and thousands of businesses. There is a revenue loss of \$44 billion. Some have called this a budget buster. But a close examination of the facts will tell you that you ought to reach a different conclusion. I would remind the Senate that revenues have shown record levels of increase over the last 2 years. These increases were not accounted for in budget resolutions because, quite frankly, the money came in faster than anybody could have anticipated when the resolutions were adopted. And that is good because the economy is good, or else you would not be getting all this tax revenue coming in.

The tax relief here and in the reconciliation relief bill of last May are very small in comparison to the unexpected taxes that have come into the Treasury. So how can anyone call a bill that prevents tax increases a budget buster when the taxpayers are sending record levels of taxes into the Federal Treasury? So why would anybody penalize taxpayers with tax increases

when revenues are not the source of the deficit? I don't get it. Because if this bill does not pass, it is going to be an automatic increase on the taxpayers and the businesses of this country because of the sunset of those tax laws.

That is why these bills are before us, to get them reauthorized, not to decrease taxes but to keep the same level of taxation, the same policy. It just expired. Renew it. Our budget problems are not because of legislation that soon will be before this body. They are derived from out-of-control spending. That is where the budget busting is occurring.

Present tax policy is bringing in more money than anybody anticipated it would bring in. Although the Democratic leadership has blamed Republicans for the deficit, we all know that spending problem is not a Democrat or Republican problem, it is a bipartisan problem. It is a disease in the Congress of the United States.

I agree with the Budget Committee chairman that when Democrats gain control of Congress in a few weeks, we are going to see bigger spending problems. I am sure they would deny that tonight, but we have had evidence of it over the last decade.

My evidence is, take a look at the last 10 years. Try looking for a Democratic spending cut for deficit reduction. Guess what. You are not going to find one. You will find lots of proposed tax increases. You will find lots of opposition to tax cuts. You will not find spending cuts in their deficit-reduction proposals. I hope I am wrong. Maybe we will see folks on the other side offering spending cuts when they have the budget resolution up next March and when they have appropriations bills up in the summer of 2007. I might be wrong. I hope I am. But we will see.

So if you hear critics, Democrat or Republican, calling this bill a budget buster, keep the fiscal history in mind. Look at the numbers over the last 2 years. And take a look back for about a decade. The numbers do not lie.

The bill is not a budget buster. It prevents tax increases. Preventing tax increases is not a budget problem. Millions of hard-working, tax-paying families do not need tax increases, neither does the American business community.

When I am holding my town meetings in Iowa, I have people coming in complaining about overspending. I do not have people coming into my town meetings saying: Tax me more; I am undertaxed.

So I would then go on now, after talking about tax provisions here, to talk about the trade provisions. And we will start with the Generalized System of Preferences. This program offers developing countries duty-free access to U.S. markets. I have traditionally been a supporter of GSP. In recent years, however, I have come to question the merits of the Generalized System of Preferences. Too often, GSP

benefits have gone to those who simply have not deserved them; in other words, meaning countries that have not deserved them.

Perhaps due in part to the GSP Program, some industries in some developing countries have reached world-class status. These successful industries clearly are not the struggling businesses in poor countries for which the Generalized System of Preferences benefits were originally intended.

In addition, I am concerned that the GSP has threatened U.S. interests in trade negotiations. Given that beneficiary countries already have duty-free access to the U.S. market for many of their products through the GSP Program, they have little incentive, then, to negotiate lower tariffs on U.S. exports. If they can get their product into our country under this program duty-free, they would consider themselves suckers to give our businesses and farmers the same advantage in their country.

But that is what negotiations are all about. Like the Colombia Free Trade Agreement, the Peru Free Trade Agreement—both things before Congress that we ought to be passing. Those products from those countries are coming in here duty-free. We can have the advantage now of sending our products back to those countries duty-free for the first time ever. And do you know what. There are people in Congress here, right now, questioning whether we ought to approve the Peru Free Trade Agreement. It is stupid to not level the playing field for the American worker, the American farmer, and our service industry. But GSP has encouraged these countries to come along. Now they have developed. We need the same rights, the same consideration from them that we have been giving them over the last 20 years through the GSP Program.

I am convinced that the lack of progress in the Doha Round of the WTO negotiations can be attributed, at least in part, to this GSP Program.

GSP is set to expire in 23 more days. Due to my concern over GSP, I considered dropping my support for this program altogether, not even renewing it, for the unfair reasons I have told you. But in negotiations this week over a trade package in this bill, I agreed to compromise with Senator BAUCUS and my counterparts on the Ways and Means Committee for a short-term extension of this program for 2 years. Discussions I have had with Senator BAUCUS figured in my decision to support this short-term extension. Senator BAUCUS has agreed to work with me during the next Congress to reexamine the GSP Program. I anticipate that a reexamination of the GSP will result in needed reforms to this program.

Today's legislation does take a very first step in making changes to GSP. It does so by allowing the President to limit the availability of GSP benefits for "supercompetitive" products. The word "supercompetitive" is a technical

term. Imports of products from numerous countries, including Brazil, India, and Venezuela, will be impacted by this provision of the bill, which will become operative in July of next year. This new supercompetitive standard reflects the results of a review of the Generalized System of Preferences Program, the GSP Program, conducted by the U.S. Trade Representative.

Today's bill, in addition to extending the GSP under the proviso that we are going to review it next year, also extends the Andean Trade Preference Act, also expiring in 23 days. The Andean Trade Preference Act offers four Andean countries—Colombia, Peru, Ecuador, and Bolivia—duty-free access to the U.S. market for a variety of products. It was my strong inclination to extend benefits under this program to just two of the Andean countries, Peru and Colombia, for the reason they have been cooperating with us on this free-trade agreement. We have not adopted it yet. If we had adopted it, they would not need this program, and we would not be talking about it. But I would not be inclined to extend the benefits to Ecuador and Bolivia. Peru and Colombia have worked actively to strengthen their economic ties with our country by concluding free-trade agreements. It is only fitting for us to extend benefits to them until the point that these free-trade agreements are implemented.

But Bolivia and Ecuador is another circumstance. Those countries, in contrast, have gone out of their way to demonstrate they do not value increased economic ties with the United States—unless, of course, those ties involve one-way trade benefits through the Andean Trade Preference Act where they can get their products into our country very easily and it is very difficult and very expensive for us to get our products into their countries.

In order, however, to see that the Andean Trade Preference Act is extended to Peru and Colombia, where I said it ought to be for a short period of time, I had the opportunity to compromise with Senator BAUCUS and our House counterparts on an extension. This bill provides a straight 6-month extension of the program. Another 6-month extension will be provided if steps are taken to implement trade agreements with any of those countries, meaning if Ecuador or Bolivia want to get onboard and get into the act of cooperating in a bilateral way, they will get greater consideration in the future. But with their new Presidents nationalizing their industries, not having respect for personal property, not having respect for the growth that comes from the market economy, you wonder whether they are smart enough to think in terms of a free-trade agreement. But we hope they are.

We have another trade preference program that is very popular; it almost passes unanimously most times in the Congress—the African Growth and Opportunity Act. That is modified by this

legislation as well. This African Growth and Opportunity Act offers sub-Saharan countries duty-free access to the U.S. market. This program is instrumental in promoting economic growth in one of the poorest regions of the world. The third country fabric provision of the African Growth and Opportunity Act is going to expire October 2007. It allows beneficiary countries to keep preferential benefits on certain apparels made with fabric from countries other than the United States or Africa. This bill extends that third country fabric provision that will expire October 2007 until 2012.

Also, in order to remove disincentives to investment in fabric production in Africa, we included what we call an "abundant supply" exception to eligibility under the third country fabric provision with respect to fabrics and yarns that are available in commercial quantities from African suppliers.

The bill also provides tax benefits to Haiti, the poorest country in the Western Hemisphere, through the Haitian Hemispheric Opportunity Through Partnership Encouragement Act, also known by its acronym HOPE. This legislation provides new rules for origin for duty-free imports from Haiti. Haiti may only receive benefits under the bill if it meets certain political, economic, and labor criteria, as well as textile and apparel transshipment enforcement requirements. At this time, it is very important to recognize one of our colleagues who worked very hard on this, and that is Senator DEWINE. He has contributed to advancing the economic development of Haiti during his tenure in the Senate.

The bill also extends unconditional normal trade relations to Vietnam—something that should have been passed in November before the President went to Vietnam. This provision will enable us to enjoy the benefits of Vietnam's imminent accession into the World Trade Organization. That translates into significant benefit for our farmers, including those in my State of Iowa, by reducing duties on U.S. exports of beef, pork, soybeans, and other products.

Our manufacturers and service providers also stand to benefit significantly from the Vietnam normal trade relation bill. And by engaging Vietnam through enhanced trade, we can best press the Vietnamese Government for continued progress with respect to where we don't think there is enough progress yet—religious freedom and human rights.

In addition, this legislation modifies U.S. law with regard to changes in the U.S. harmonized tariff schedule. The U.S. Trade Representative periodically makes changes to tariff lines in the U.S. harmonized tariff schedule. This year, due to the thousands of changes to be made and to administrative delays, the business community requested that Congress extend the usual 15-day window for implementation, so

we have extended the deadline to 30 days. This will allow time for the private sector to incorporate all of the changes in their computer system and avoid costly, time-consuming errors to entry.

Finally, the bill includes numerous duty suspensions and reductions that have resulted from the Finance Committee's efforts to prepare a miscellaneous tariff bill. These provisions are noncontroversial in nature. They reduce tariffs on imported goods not produced in the United States. As a result, they will provide cheaper inputs for businesses operating in the United States and, thereby, increase the competitiveness of our firms and workers.

I will talk about health care now, the third major area of jurisdiction of our committee, and the third major area in this piece of legislation. Despite what some might characterize as a "do-nothing Congress," the 109th Congress actually accomplished a great deal relative to health care. We enacted the Deficit Reduction Act of 2005, which greatly strengthened and improved the Medicaid Program. Most would acknowledge that this bill made the most significant changes to the Medicaid Program in three decades. Those changes should make it possible for the States to serve more low-income beneficiaries, families who cannot afford to provide health insurance and pay for it.

Significant challenges await us in the new Congress. We will need to take a serious look at the solvency of the Medicare Program. We have to develop a solution for the Medicare physician reimbursement system. The State Children's Health Insurance Program needs to be reauthorized. And there remain serious problems of the uninsured. I look forward to working with my partner and incoming chairman of the Finance Committee, Senator BAUCUS, on those issues and doing that in a bipartisan way.

However, before we can adjourn this Congress and before we go home to enjoy the holidays, there is still urgent work needed to be done, and that is the purpose of this piece of legislation. In the legislation we consider today, there are several provisions that rise to the level of "must do." These include ensuring that physicians do not receive a drastic cut in the Medicare reimbursement that a formula in place for the last 15 years dictates they take and we generally don't let happen. There are a number of other expiring provisions that must be extended. I am very disappointed that this package doesn't include anything to address the coming shortfalls of the State Children's Health Insurance Program. The Senate package that I introduced with Senator BAUCUS included a proposal to address the shortfalls, but that proposal was rejected in the negotiations that Senator BAUCUS and I had with the House. We apologize for not winning on that.

Our legislation will, however, increase payments for providers while providing additional payments for phy-

sicians and other health practitioners who report quality measures in order to ensure both continued beneficiary access and improved quality of care. We must ensure that health care providers can afford to continue to practice medicine. We must preserve Medicare beneficiaries' access to physicians, and we must provide incentives for quality improvement.

The physician payment formula is deeply flawed. We need to reform the SGR formula's flawed payment system and develop a new way of paying physicians appropriately for their services. Last year, we included a provision in the Deficit Reduction Act to require the Medicare Payment Advisory Commission, known as MedPAC, to submit a report to Congress early next year on alternative mechanisms that could be used to replace the existing formula. It is a flawed formula. We must find a long-term solution that will stabilize physician payments in the future. Working to develop a better physician payment system will be one of my top priorities, and I am sure that under Senator BAUCUS's leadership, it will be a top priority as well.

The legislation before us today will eliminate the 5-percent cut in physician fees scheduled to take effect in January 2007 and, instead, keep physician fees at the same level as this year. In effect, this would provide a 5-percent increase in payment fees over what the formula would otherwise allow. Next year, we must face the challenge of producing a long-term solution to the physician payment formula. The one-year-at-a-time approach we have used over the last several years makes the problem worse and does nothing to address the longer term challenges.

We need to put better incentives into the health care system so providers are motivated to provide better quality care. So this bill before us establishes a quality reporting bonus for physicians and other eligible professionals—meaning nurse practitioners, physician assistants, podiatrists, and other health care professionals who submit data on quality measures from July through December in 2007.

Our legislation also creates a fund, effective in 2008, to help stabilize physician payments and promote physician quality initiatives. This new fund of \$1.35 billion will be available in 2008 to help minimize fluctuations in physician payments and promote physician quality initiatives.

The physician payment changes will be offset by two adjustments to the Medicare Advantage stabilization fund. Our legislation does not repeal the fund but, rather, preserves the funds for future years. We adjust the funds in two ways.

First, the fund will be reduced by \$10 billion to \$3.5 billion. Second, the Secretary will be able to use the proceeds in the funds only in the years 2012 and 2013. There is strong participation in the program right now, and if more funds are needed to be added back to

the Medicare Advantage stabilization funds, Congress can add these funds in future years.

I have been working very closely with my colleague Senator BAUCUS on realigning incentives in Medicare to reward for quality of care, rather than paying physicians as we do now, on volumes of service, without any care about quality. We have been doing that under these formulas for a long time. We began the process of moving toward quality care reimbursement in the Medicare Modernization Act of 2003. This Medicare Modernization Act required hospitals to report 10 quality inpatient measures in order to receive full payment update. Now almost 99 percent of hospitals are reporting this data. Without this incentive, they would not have done so. Our legislation includes provisions to extend quality reporting for hospitals to hospital outpatient departments and ambulatory surgical centers as well, beginning no sooner than 2009.

Now that hospitals are reporting this data, it is time for other providers, such as physicians, to do that as well. The quality reporting measures in our bill today are a small step toward creating better incentives for quality care in Medicare. The transitional bonus payment policy included in this bill for reporting quality measures is a good first step for physicians and practitioners.

The physician quality measures in this legislation before us today have been developed primarily by physician organizations, including the American Medical Association and physician specialty societies. All of the measures adopted for 2007 have the support of the physician community and will be easily reported electronically with the submission of their claims. Those professionals who participate in the quality reporting program and voluntarily submit up to three quality measures that apply to their specialty will receive an additional 1.5 percent bonus incentive payment for services provided during the 6-month reporting period. I emphasize that that 1.5 percent bonus is on top of our filling it in so that there is not the 5-percent cut that the formula now applies for.

Ultimately, we should move toward rewarding quality through higher Medicare reimbursement for better health care outcomes. Once that principle begins to govern medical care, we will be able to better align payment incentives throughout our health care system to reward for quality of care. We are interested in quality because when doctors and hospitals and other health care professionals do it right the first time, it is the least expensive way to have it done. If it is done wrong the first time, it is very expensive to send people back to the doctor and the hospital a second time. We want to do in the Government, through the Medicare Program, what a lot of major corporations are doing—being concerned about quality. With that quality, we

can get better health care, but you are going to save a lot of money, whether it is for Ford Motor Company or for the taxpayers of the United States, under a Federal Medicare Program.

In addition to reforming the manner in which Medicare pays for physician services, this legislation will extend several expiring provisions enacted in the Medicare Modernization Act of 2003 to help ensure that beneficiaries will continue to have access to needed medical care. This includes provisions applicable to rural payments to physicians, continued direct payments to independent laboratories for physician pathology services, and continuing Medicare reasonable cost payments for lab tests in small rural hospitals.

Our legislation also provides a 1-year extension of the therapy cap exceptions process that we included in the Deficit Reduction Act last year to ensure that beneficiaries receive physical, occupational, and speech language therapy services that they need.

We also give a 1.6 percent update for dialysis services effective April 1, 2007, thus helping to ensure continued access for beneficiaries who suffer from what is called end stage renal disease.

Our legislation also includes some new provisions to improve beneficiary access and provide additional protections. We have included additional reimbursement for important preventive medicine by reimbursing health professionals for administering vaccines covered under the new Medicare Part D prescription drug benefit. We also include a requirement for reporting anemia indicators in cancer patients receiving anti-anemia drugs to better manage these patients' care.

We have established a new postpayment review process to ensure the timely payment for drugs and biologicals that are delivered for patient use under the Competitive Acquisition Program.

This legislation includes several provisions to improve accountability in Medicare. There has long been a concern that the program is vulnerable to fraud and abuse, and certainly experience has borne that out, with billions of dollars being wasted. Even more significant, the program has not been able to effectively detect when it makes payment errors. This legislation contains several provisions to address these concerns of ferreting out abuse and fraud.

The Health Care Fraud and Abuse Control Program addresses fraud and abuse in the Medicare Program but has been funded at the same levels since 2003 despite significant increases in its responsibilities.

In order to ensure that the Federal Government has sufficient resources to effectively combat health care fraud and abuse, this essential program will receive annual funding updates for the next 4 years. And that investment has a good return. In other words, for a \$1 investment, many dollars come back to the Federal Treasury from either recouping fraud or preventing fraud.

This legislation also includes a provision that addresses payment errors by adopting the Recovery Audit Contractor Demonstration as part of the Medicare Program and implements that program nationwide. Despite being implemented for a limited time in a limited number of States, this demonstration has already shown enormous potential for the identification of overpayments and underpayments and the recoupment of overpayments.

In fiscal year 2006, this demonstration has identified around \$300 million in improper payments in just three States. By taking the recovery audit program nationwide, up to \$10 billion in Medicare overpayments will be recovered in the next 5 years.

By passing this legislation, we will also take a big step toward making sure that the Medicare Program does not pay for substandard care provided to beneficiaries. The National Quality Forum has identified a number of serious and preventable adverse health care events called "never events." The HHS inspector general will be required to conduct a study on Medicare payments for services related to never events and will provide guidance for CMS in setting policy regarding payments for services when never events are involved.

Let me explain never events. We are not going to pay when somebody is operated on and covered by Medicare if they cut off the wrong leg—and this has happened—or the wrong arm or other things that were never intended to be done to a patient. We are sick and tired of paying for things such as that.

This legislation will also promote more accurate hospital payments. One aspect of Medicare hospital payments that has been subjected to much criticism is the area wage index. Many say that the current method of calculating the wage index does not reflect the hospital's actual labor costs and is instead arbitrary in nature so that similarly situated hospitals can receive significantly different wage index values.

Since the enactment of the Medicare Prescription Drug Improvement Modernization Act of 2003, hospitals have been able to obtain relief from this unfair situation temporarily. But we shouldn't have to do this every year in a temporary way. So this legislation will provide limited extension of this relief. More significantly, major steps will be taken toward comprehensively reforming the wage index classification system by requiring a report on alternatives to the current methodology for calculating the Medicare wage index, as well as proposals for reforming this classification system so we don't have to mess with these inequities.

This legislation also includes several provisions relating to the Medicaid Program. These include codifying the provider tax rate paid by Medicaid providers at 5.5 percent and extending the transitional medical assistance and abstinence education programs. Throughout the year, we have heard from nursing homes, hospitals, and managed care

plans that lowering the maximum provider tax rate would make it harder for them to treat Medicaid recipients as States had to make up for lost revenue. This provision protects health care access for some of the most vulnerable in society.

While this legislation does not go as far as some would like, it accomplishes the goal of helping ensure the continuation of critical health care policies and programs.

I was disturbed when I heard one of my colleagues refer to this bill as an example of bad legislative practice. The critics imply that political defeat was somehow connected with this kind of legislative practice. With all due respect, these criticisms could not be more off the mark. This legislation was based on popular expiring provisions within the jurisdiction of the tax writing committees, provisions that were meant to expire so they are reviewed occasionally so we know the best possible tax policy is being pursued by the Congress of the United States.

The legislative business in this bill then is the people's business. Throughout the year, I pressed repeatedly to finish these matters. I was thwarted by others who sought to leverage these items for other purposes. I firmly believe that if we had dealt with these issues in a timely fashion, as was planned last May to do it in the pensions bill, we would have been rewarded politically.

We are where we are, but we are here because of politics on both sides of the aisle getting in the way of processing these items in a timely fashion.

I agree with the critics that this kind of omnibus bill is not the best way to finish this legislative business. The critics should know that the tax-writing committees had no choice.

In conclusion, I hope my colleagues will support this bill—a bill that should have been law last summer—to finally get it done to save the taxpayers and 19 million people from being adversely affected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### TELEPHONE RECORDS AND PRIVACY PROTECTION ACT OF 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4709 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4709) to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

There being no objection, the Senate proceeded to consider the bill.

#### TELEPHONE RECORDS AND PRIVACY PROTECTION ACT

Mr. SUNUNU. Mr. President, I support passage of H.R. 4709, the Telephone Records and Privacy Protection Act of 2006. This bill gets to the center of the practice known as "pretexting"—a fraudulent technique to obtain access to confidential communications records—by imposing Federal criminal penalties on perpetrators.

There is one point that I would like clarification and assurance. This bill adopts a very broad definition of an "IP-enabled voice service." That definition is broader than just replacements for traditional telephone service, and sweeps in many potential new applications. In my view this definition would be inappropriate in many other contexts. For instance, the Commerce Committee crafted a narrower definition when considering S. 1063, the IP Enabled Voice Communications and Public Safety Act.

It is my understanding—and I ask if the distinguished chairman shares this understanding—that this broad definition applies only to this bill, and is not meant to be an indication of the Congress's view of the appropriate scope of voice-over-Internet-Protocol or VoIP services for other purposes or to serve as precedent for future action. It is certainly not meant to suggest that the FCC adopt this definition as it considers the appropriate views on VoIP services. Does the distinguished chairman agree with my understanding?

Mr. STEVENS. Yes. The definition of "IP enabled voice service" in this bill is not meant to be the universal definition of "IP enabled voice service" to be used in future legislation that involves other contexts. And, it should not be interpreted as a signal to the FCC that it should alter or change the definitions of Interconnected or IP enabled voice services that it has used in other contexts.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4709) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I know a number of our colleagues are wondering what time bills are going to be arriving from the House. I believe in a little bit, in the next 30 minutes or so, things will pick up and we will begin voting. I will come back and address this issue once things become a little bit clearer.

#### TRIBUTE TO ERIC UELAND

Mr. FRIST. Mr. President, I wish to pause for a moment to pay respect to

one man, Eric Ueland, my chief of staff. Tucked away in a corner of Eric Ueland's office is a well-worn copy of the book "Master of the Senate." This comes as no surprise to those of us who know him. In fact, my staff used to joke that he was reading his own biography.

Eric is gifted with a passion for history, a thirst for knowledge, and a high reverence for the Senate. These talents have made him a uniquely capable adviser and leader in the majority leader's office.

He contextualizes every Senate debate, recalls appropriate precedent, and draws parallels to moments in history. A nameplate is discretely displayed on his desk, and the name it bears: "Information."

As the press corps knows, information is his trade and the enigmatic quote his trademark. How do you pay tribute to a man who is the first to know of Britney Spear's pregnancy and Don Rumsfeld's resignation?

Eric delights in a secret and encyclopedic knowledge of popular culture. Copies of People magazine and the entertainment gossip columns are strewn in the back seat of his classic car. And he knows everything about the media. Yet he doesn't have home Internet access or even cable TV. How does he do that?

Eric finds unique and, some would say, unusual pleasure in memorizing the complex rules, the arcane precedents, and early history of the Senate. "Chart 4—mere child's play." You would expect he would know that combining his customary bow ties and beards could be a violation of the Senate Code of Conduct.

But his extraordinary talents are not what I have come to respect most about Eric Ueland. He is a man of deep humility, a man of quiet faith, a man of sterling character. He is a person true to his convictions, both political and personal. He has maintained his integrity in the rough and tumble of politics. His standards are high.

I know of no staffer who has had a more profound regard for the institution, our institution, the institution of the Senate. And, in turn, Eric has earned the gratitude and respect of so many who have had the honor to serve here. Eric came to the Senate 17 years ago and worked for Senator Don Nickles at the Republican Policy Committee and then as his chief of staff in the assistant Republican leader's office.

Senator Nickles writes:

I have had the pleasure of working with hundreds of individuals throughout my Senate career and Eric stands out in many ways. He is an exceptionally intelligent individual with unequal knowledge of the Senate. His knowledge of Senate history, rules, process and customs, as well as the individuals who have served in the body for the last couple of decades, is remarkable. He has devoted much of his life to the Senate and helped make the Senate function much more effectively. He was a tremendous asset to me as well as a valued friend.



Eric has a beautiful and patient wife Kathleen and three wonderful children—Stephen, 13; Brigid, 11; and Charlotte, 6. Eric, as we all know, puts in long hours in service to the Senate and it, again, as we all know, takes him away from his family. So I thank each of them for their service to his family, to their community and, thereby, to the country. But Eric is a devoted father and puts in many hours helping them with homework and could often be found keeping score at one of their basketball games. The children's manners, their politeness, their dress all reflect that Kathleen and Eric are great parents.

Perhaps the highest tribute I can pay to Eric is simply to say his work has honored the institution of the U.S. Senate, which he himself so highly honors. And in honoring the Senate and the democratic ideals it represents, he has, indeed, honored his country.

Well done, Eric, you have been a good and faithful servant of the Senate. You have been a good and faithful counselor and friend, and you have served this Nation with distinction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't have prepared remarks, but I join the majority leader in praising Eric Ueland. He is a bright guy. Very intelligent, gracious, and straight, someone I trust. I got to know him with the leader over months, weeks, days, and hours. I thank him very much.

#### TRIBUTE TO BRIAN POMPER

Mr. BAUCUS. Mr. President, I want to recognize one key staff member whose last day in the Senate is today and that is Brian Pomper. He has worked in my Senate office since March 2003. He has served as my chief trade counsel over the past 2 years. In that time, Brian has been at the center of each and every trade initiative that has passed through this Congress. He has worked tirelessly and fairly with Members and staff of both parties in both Houses, and he has bridged gaps that have seemed insurmountable. He is very intelligent, very conscientious, and one of the most decent persons I have ever had the privilege to know. Brian Pomper will be sorely missed in the Senate.

Mr. GRASSLEY. Mr. President, at this time I would like to recognize Brian Pomper, chief trade counsel for the Democratic staff on the Finance Committee. Today is Brian's last day with the committee. Brian has been a real asset to the Senate, and he will be greatly missed.

He has worked both with my staff and sometimes against my staff, but let me tell you this: He is the sort of person who, whether he is with you entirely or against you, is a wonderful person to work with. So at all times the lines of communication with him between our staffs always remained

open, and it has always been a friendly relationship.

Brian is a very warm and decent person, and I wish him the best of luck in his future endeavors. It is my understanding that he is going to go into the private sector, the cold cruel world of the private sector. I hope he enjoys it, but I want to thank him for his cooperation with us.

#### TAX-HEALTH-TRADE EXTENDERS BILL

Mr. BAUCUS. Mr. President, I am pleased to join my friend and chairman, Senator GRASSLEY, in bringing this package of needed tax, health, and trade matters to the Senate floor.

This is the last bill that Senator GRASSLEY will manage as chairman for at least a couple of years. And I want to take this opportunity to recognize his leadership as chairman on the Finance Committee. He and I have worked together as partners and we will continue to work together as partners in the Congress to come.

Mr. President, Goethe said: "To rule is easy, to govern difficult." Surely, this bill is evidence of that.

The vast bulk of this bill is simply the business of governing. It continues needed tax, health, and trade law. These are things that we must do if we are to govern effectively. But certainly this bill has been difficult to enact.

Much of this bill has been more than a year in the making. It involved negotiations between several Committees, two Houses, and bipartisan leadership teams. It suffered many deaths. And it enjoyed a few resurrections. But through hard work and determination we are finally able to present today, this bipartisan, bicameral agreement.

The provisions of this bill are overwhelmingly the business of governing. They reinstate tax laws that have been needlessly disrupted. They protect health care coverage. And they continue free trade arrangements that benefit consumers and the residents of some of the world's poorest countries.

Let me first turn to the tax section of the agreement. The key tax provisions of this bill are a host of popular tax incentives that expired last December. They have languished all year.

The Finance Committee and the Senate passed legislation to extend these credits on time. The Senate passed them in November of last year as part of the tax reconciliation bill. But the conference with the House kicked those tax cuts out.

Folks told us that the tax cuts would travel on the next tax bill, the pension conference. But again, the conference committee with the House removed them to sweeten other bills. When coupled with other more controversial measures, they failed.

This is an unfortunate history. And it is one that I hope we will not repeat. If this Senator has anything to say about it. This is not how we will govern, in the next Congress.

Congress's delay in extending these tax provisions caused uncertainty. And the delay until now will have real consequences for taxpayers. Just this week, I received a report of the contingency plan at the IRS for the 2007 filing season. The IRS identified about 60 tax forms and products that will be affected by this delay.

The Form 1040 has already gone to the printer. That happened back in November. More than 120 million taxpayers use that form. The IRS will not reprint those forms.

Consequently, the IRS expects taxpayer confusion. IRS expects more phone calls to the IRS with questions. IRS expects delays in filing. IRS expects incorrect returns. And IRS expects more amended returns.

Further, the IRS will need at least 6 weeks to reprogram its systems to accommodate the changes. It is simply too late for the IRS to implement the 2007 filing season on time. This means delays in starting to process and issue refunds. And it means money. It may cost the IRS millions in additional costs because of our delay. And the cost to taxpayers could be even greater.

In September, I brought a display of the draft Form 1040 for next year. Already, the classroom teachers' deduction and the college tuition deduction were gone. Millions of families that normally take those deductions, and other popular incentives like the state sales tax deduction will wonder why those lines no longer appear on the Form 1040. And, unless taxpayers are willing to get on the Internet and search, they may never know that we extended these incentives in the nick of time.

Governing may be difficult, but we must do better.

We must do better by our business taxpayers. Twenty thousand businesses who hire the hard-to-employ have continued to hire these workers with only a hope that we would retroactively extend the Work Opportunity Tax Credit. I am pleased to report that the credit is retroactive to the beginning of this year and improvements will be effective beginning next year.

For the 16,000 businesses in this country that create high-tech jobs for U.S. workers, we have retroactively extended the R&D credit to the beginning of this year. We have provided for a new, enhanced credit for next year. And, we have also provided a special rule for fiscal year taxpayers. That will ensure these businesses can access the credit even though their tax year has closed.

The agreement also provides a one-year extension of certain energy tax incentives that were due to expire next year. This package includes the popular credit for electricity from alternative energy sources.

And this agreement extends expired individual tax incentives for 2 years—2006 and 2007. These incentives include the college tuition deduction, the state

sales tax deduction, and classroom teachers' deduction, among others.

This bill also has a substantial health component. The main attraction is an adjustment to the Medicare physician payment rate. This will stave off a cut of more than 5 percent in what Medicare pays doctors in 2007.

And we are going to reward doctors for reporting on their performance. This will help move us toward paying for quality in the Medicare program. The information collected when doctors report on quality measures will be the foundation for paying for performance. We will move toward rewarding outcomes rather than simply the number of procedures.

This bill also extends important provisions from the 2003 Medicare Modernization Act that are scheduled to expire at the end of this month. These provisions will help rural clinical laboratories, physical and occupational therapy patient, and pathologists.

The bill will ensure continued access to dialysis services for patients with kidney failure. And it will correct how vaccines are reimbursed under the new Medicare prescription drug benefit. This will make vaccines even easier for seniors to get.

Fighting health care fraud and abuse is another important part of this bill. A special fund, known as the Health Care Fraud and Abuse Control fund, was established years ago to help the Department of Justice work together to identify, deter, and prosecute health care fraud. Unfortunately, Congress has frozen the program's resources since fiscal year 2003. This bill would increase funding for the program each year for the next 4 years to keep up with inflation.

We also provide the administration with another tool in fighting erroneous payments in Medicare. It would expand a demonstration program that was included in the 2003 Medicare law to use recovery audit contractors to identify and collect overpayments in Medicare.

In the Medicaid program, this bill codifies the maximum rate at which States can tax health care providers under their Medicaid plans.

Another provision extends transitional medical assistance, or TMA, for up to a year. TMA makes sure that low-income families do not lose their Medicaid health insurance when they move from welfare to work.

This bill has real benefits for real people. In my home state of Montana alone, the physician payment adjustment will make a difference of between \$10 million and \$13 million to Montana doctors in 2007. The clinical laboratories extension provision will mean an additional \$900,000 for clinical laboratories in Montana. The therapy caps exception will mean an additional 1,700 Montanans will have access to physical and occupational therapy services in 2007. And the Medicaid provider tax provision means that Montana Medicaid nursing homes will get \$112 million in additional revenues over the

next 5 years, while the State will have \$36 million.

The provisions in this bill are good for beneficiaries. These are good policies and they will help Medicare and Medicaid continue to provide Americans with the kind of quality health care they deserve.

This legislation also ensures that two important trade programs, the Generalized System of Preferences and the Andean Trade Preferences Act, will not expire at the end of this year. Thousands of people's jobs depend on these programs, both here and abroad.

The Generalized System of Preferences has been a part of American trade policy for more than 3 decades. It has encouraged development in poor countries by granting duty-free access to the world's largest market.

But developing countries are not the only beneficiaries. American businesses benefit from the program. It allows them to source inputs and components duty-free. They can pass these benefits on to their customers in the form of lower prices and greater product variety.

Critics of the Generalized System of Preferences rightly point out that the largest beneficiaries are middle income countries with strong export sectors that may not need these preferences.

With this in mind, we have given the President authority to scale back benefits under the program if he determines that a country has become a competitive exporter. The President can examine the circumstances unique to each beneficiary country and weigh them against foreign and economic policy priorities.

This bill will extend benefits under the Andean Trade Preferences Act for another 6 months, and would make a beneficiary country eligible for benefits for 6 more months if the United States and that country both complete their legislative processes to implement a free trade agreement.

This extension means that the Andean countries' current preferences will not disappear abruptly at the end of this year. That would throw thousands of people out of work in the Andean region, and possibly drive thousands more to coca cultivation and trafficking.

I continue to believe that a simple 1-year extension for both the Generalized System of Preferences and the Andean Trade Preferences Act—without changes—is the best policy. A 1-year extension would allow us to maintain the status quo. That would give us breathing space to evaluate all our preference programs next year and determine whether and how they mesh with out trade and competitiveness goals.

That is not what this bill contains. But what this bill does contain on these important programs is far preferable to the disruption that expiration would engender for the thousands of people both here and abroad whose jobs rely upon these programs.

In the next Congress, I intend to examine our trade preference programs, to explore whether and how they might be changed to address the valid criticisms some of my colleagues have made. We should understand the effect these programs have on the U.S. image around the world, our diplomatic efforts, and our trade priorities in the Doha Round and elsewhere.

And we should give those in the United States who rely upon our trade preference programs an opportunity to suggest how those programs might be improved, and to explain how their interests might be affected by some of the changes that have been proposed.

This bill also establishes a crucial 5-year trade preference program for a country much closer to home—Haiti. Haiti, just 600 miles from our shores, is the poorest country in our hemisphere.

This program could help the people of Haiti to get back on a path to prosperity, opportunity, and long-term political stability. I commend the tireless efforts of Senators BILL NELSON and MIKE DEWINE, former Senator Bob Graham, and incoming House Ways and Means Committee Chairman CHARLIE RANGEL to ensure that this Congress would extend this vital assistance.

This legislation also extends expiring third-country fabric provisions for the least-developed African countries under the African Growth and Opportunity Act. That Act has contributed to the creation of thousands of jobs and investment in Sub-Saharan Africa. It has been credited with nearly tripling African apparel exports to the United States. These exports, around \$1.4 billion in 2005, are just a fraction of the U.S. apparel market. But they are very significant to the companies and workers supplying them.

This bill extends the third-country fabric provisions until 2012. I believe that if we give this program more time, more opportunities for investment and development will take root in southern Africa.

The bill before the Senate today will also deliver some much-needed help for American manufacturers who import products they can't buy in the United States. This bill temporarily suspends duties charged on imported manufacturing inputs provided that no domestic company produces those goods.

These duty suspensions mean jobs for American workers. They mean that Simms Fishing in Bozeman, MT can save money on the production of their world-class fishing waders. And Sun Mountain Sports in Missoula, MT, will get a break on the cost of manufacturing its high quality golf bags. While each duty suspension is worth less than \$500,000, that money can mean a lot to small businesses around the country like Simms and Sun Mountain. The money they save can be reinvested in more jobs and further development right here at home.

Today the Senate also stands poised to accomplish a goal that has eluded the United States for nearly 200 years—

normal economic relations with Vietnam.

In April 1975, trade between America and Vietnam stopped. After the fall of Saigon, America imposed an economic embargo on the newly unified Vietnam. After years of painstaking diplomacy beginning with the first President Bush, relations between the United States and Vietnam improved. Trade between the two countries took off after the two sides began to implement a bilateral trade agreement in December 2001. Trade was just \$1.4 billion in 2001. Four years later, trade flows were 5 times as large, hitting \$7.7 billion in 2005. Vietnam's imminent accession to the World Trade Organization as its 150th member will accelerate this trend.

Economically, Vietnam has become a critical market for the United States. Out of the rubble of a war that killed roughly a million of its citizens, Vietnam has re-emerged as a country with more than 83 million smart, energetic, hard-working men and women.

The terms of Vietnam's WTO accession are first rate. Farmers and ranchers in Montana and across America will benefit from deep reductions in Vietnam's agricultural tariffs. Vietnam also committed to cut industrial tariffs to 15 percent or less for nearly all U.S. exports.

And Vietnam has further opened its market to our most competitive sector—the services industry—which employs 3 out of 4 Americans.

But to benefit from these and the rest of Vietnam's WTO accession commitments, the United States must grant Vietnam permanent normal trading relations. That is the small price that we have to pay: granting Vietnam, on a permanent basis, the normal trade relations that we already provide Vietnam on a renewable basis. Senator SMITH and I introduced a bill to do so in June—with Senators MCCAIN, KERRY, LUGAR, HAGEL, MURKOWSKI, and CARPER.

If we do not grant Vietnam PNTR, then America will be shut out of Vietnam's market-opening commitments. If we do not, then the benefits of those commitments would instead flow to exporters in China, the European Union, Japan, and elsewhere.

But Vietnam PNTR is not just about economics. As important, it makes history. It completes the process of normalization and reconciliation between two formerly bitter enemies.

Let us make history today and pass this bill to grant Vietnam PNTR.

Let us provide taxpayers with the tax relief they have been waiting for all year. Let us ensure that harsh cuts do not drive doctors away from seeing Medicare patients. And let us take some small steps to foster free trade.

This year, governing has been difficult. But let us conclude this effort. Let us do this work that needs to be done. And let us conclude the work of this session of Congress so we can get on with next year.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROVIDING OPTIONAL FUNDING RULES FOR EMPLOYERS IN APPLICABLE MULTIPLE EMPLOYER PENSION PLANS

Mr. STEVENS. I send a bill to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4121) to provide optional funding rules for employers in applicable multiple employer pension plans.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, a year ago I raised the issue of the problem of the small timber industry in Alaska, and we had an amendment to be offered to the tax bill. I was asked not to proceed then, and I received a commitment that this amendment would be included in the next tax bill as a technical correction. We thought it was going to be in this year again, and I discovered it is not in the bill.

What this bill does, it deals with the problem created in the timber industry in southeastern Alaska when a series of companies failed and they left a situation where the pension plan is supported only by the surviving companies. These companies have the obligation to pay the pensions of those who retired from other companies that failed, prior to their demise, but they found they cannot do that and survive unless the time within which the payments are to be made is extended. That will be the purpose of this bill. The purpose of this bill is to extend the time so that the surviving companies can pay not only their own employer contribution for their own employees but for the employees of the companies that failed.

I have been told today that this bill affects 600 to 1,000 jobs in southeastern Alaska now and up to 2,000 employees who already retired. Unless the time is extended, the surviving companies will fail and the existing employees will lose their jobs and those who have already retired will not get their pensions.

I conferred with our friend, the chairman on the House side, Chairman THOMAS. I suggested the only way to deal with this now, since the House has already passed this bill without the amendment in it, would be to have this independent bill passed. I am grateful to all who have been considering this

bill all day long. It has been an all-day-long proposition, and I do hope it will be passed now so that we may try to see if the House can pass it before they adjourn.

I do urge immediate passage of the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4121

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) ELECTION TO SPIN OFF LIABILITY.—

(1) IN GENERAL.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January 1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) LIABILITY OF EMPLOYERS ELECTING SPIN-OFF.—

(A) ONGOING FUNDING LIABILITY.—

(i) IN GENERAL.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) INTEREST RATE.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section

303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) **TERMINATION LIABILITY.**—If an eligible spunoff plan terminates under title IV of the Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(C) **LIABILITY OF EMPLOYERS NOT ELECTING SPINOFF.**—

(1) **IN GENERAL.**—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan) in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

(2) **DEFINITIONS.**—For purposes of this subsection—

(A) **ADJUSTED UNFUNDED BENEFIT LIABILITIES.**—The term “adjusted unfunded benefit liabilities” means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) **FRACTIONAL PORTION.**—The term “fractional portion” means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

(d) **OTHER DEFINITIONS.**—For purposes of this section—

(1) **APPLICABLE PENSION PLAN.**—The term “applicable pension plan” means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) **ALLOCABLE PORTION.**—The term “allocable portion” means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan, bears to the total amount of such excess.

(3) **ELIGIBLE EMPLOYER.**—An “eligible employer” is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

Mr. REID. I move to reconsider the bill.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSAN MCCUE

Mr. REID. Mr. President, for 16 years I have had a woman working for me who has been outstanding. She has worked in my press department for the last 8 years. She has been my chief of staff. Her name is Susan McCue. She has a wonderful background. She is one of 10 children. She put herself through college working as a waitress, among other things. She is a graduate of Rutgers University with a bachelor's degree.

Some people are born with the ability to jump high and throw balls a long ways, and some people go to the finest business schools in the country to learn how to manage people. Susan has an innate ability, as if she were a skilled athlete, a skill to be an administrator. What she did to develop my staff is something that I am sure someday will be used as a “how you should hire a staff in Washington, DC.”

I have such great affection for Susan. She has worked so hard for me. She has decided to leave after 16 years to go downtown and work, seeking not a job where she can make a lot of money but working in a program that will deal with poor people around the world. She will make just a little bit more money than she is being paid right here. But being the person she is, a kind, thoughtful, considerate person, she thought it was time for a change.

As hard as it is for me to let someone go who has done such a wonderful job for me, I must be as loyal and dedicated to her as she has been to me.

I want everyone to know—and I especially want Susan to know—that her work on my behalf has been something that I and my family will long remember. I have never had anyone in my professional career as a lawyer, as a government worker, who has been more dedicated or more skilled than Susan McCue. I will miss her greatly. I know our paths will cross, but I am a better person for having had her run my office. And poor people of the world will be well served with Susan McCue looking after them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

#### TAX EXTENDERS

Mr. DEWINE. Mr. President, I will be very brief. I have spoken a lot in the last week, but I want to talk very briefly about the bill that will be before the Senate in a few minutes, and speak about one particular provision, the antitrade bill.

I thank BILL THOMAS, I thank BILL FRIST, Senator GRASSLEY, Senator BAUCUS, CHARLIE RANGEL, KENDRICK MEEKS. I thank the Chair, I thank Senator DURBIN, the leadership in the House and the Senate of both parties, for including this provision in the bill.

BILL THOMAS told me a moment ago, as I congratulated him and thanked him, that this should have passed 4 years ago. I think it should have. We worked on it for a long time.

The good news is that it will make a difference. It will create many jobs in Haiti, a country that has about 70-percent unemployment, gross underemployment, a country that Fran and I visited again last week, where we saw Paul Farmer's hospital in the central part of Haiti, with children who were grossly malnourished, children who do not have enough to eat, children who would have died but for getting into Paul's hospital, children whose hair was turning orange because of malnutrition. When we went to Sisters of Charity in Port-au-Prince, we saw twins who had been brought in by their dad who did not have enough to eat; they were clinging to life. That is replicated all over Haiti.

This bill will not solve all the problems of Haiti, but it will begin to do the one thing that is needed: Create jobs. The Haitian people are an industrious people. They are hard working. They line up for jobs. Jobs in Haiti are what the country needs. It is what the new Government, that has been duly elected, needs—to be able to show some progress, to be able to give the people of Haiti some hope.

I thank my colleagues. I thank all of them for including this provision. I thank my friend Lindsey Graham and others who represent textile interests. I know they had problems with this bill. We tried to work out some of those problems. They represented their constituents well. But they also had the heart for the people of Haiti.

This is not just a question about humanitarian concern; it is also about our national interests. It is about our foreign policy. Haiti, as the Presiding Officer knows, being from Florida knows, is very close to Miami. It is probably an hour and 20 minute flight from Miami. Boat people come up there time and time again. We have had

United States Marines, United States troops in Haiti twice in the last decade. It is a country that we need to care about. It is very important to us.

I thank the Chair. I thank my colleagues for including this provision. It is a provision that will make a difference. It is a provision that will save lives. I thank my colleagues for this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2007

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 102, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COCHRAN. Mr. President, I deeply regret that we will soon adjourn having adopted only 2 of the 12 fiscal year 2007 appropriations bills.

This year, the Senate Appropriations Committee reported all of the bills under its jurisdiction by July 20, the earliest that has been done in 18 years. These bills were all within the budget allocation, and the total funding appropriated was lower in real dollars than last year. I regret that the Senate was not allowed to consider these bills in time to complete action before the beginning of this fiscal year.

In this continuing resolution, which is now before the Senate, we have made sure that the Department of Veterans Affairs has sufficient resources to provide all the benefits veterans are entitled to receive under the law and that no veteran will be denied any benefit or receive anything less than the finest care available.

I urge the Senate to approve this bill.

Mr. BYRD. Mr. President, we are now 69 days into the fiscal year and only 2 of the 12 appropriations bills are public law. The Senate now has before it a third continuing resolution that funds

13 of the 15 executive branch Cabinet departments through February 15.

When it comes to funding bills for domestic agencies, the majority leadership is apparently satisfied with a restrictive continuing resolution. Eight of the 12 bills were never even debated in the Senate. When it comes to caring for our veterans, the education of our children, the health of our elderly, and the ability of our deteriorating infrastructure to sustain a growing economy, the majority leadership is satisfied with a rubberstamp continuing resolution, kicking the decisions down the road to the next Congress. This dismal performance is not the result of the work of the Appropriations Committee. The Appropriations Committee did its work and, on a bipartisan basis, reported all 12 of its bills by July 26. Chairman COCHRAN did an outstanding job in leading the committee.

Sadly, the appropriations process, once again, has fallen prey to politics.

Next year, the 110th Congress will have to complete the 2007 appropriations bills, a war supplemental, and the 2008 bills.

This will be a huge challenge. However, in the bipartisan tradition of the Senate Appropriations Committee, I am committed to working with my colleagues to meet this challenge.

Mr. DURBIN. Mr. President, the continuing resolution we are considering here today has a 6-week moratorium on a cost-of-living adjustment for Members of Congress. I support this provision because we should not give ourselves a raise until we pass legislation raising the minimum wage.

It has been a decade since Congress last increased the minimum wage to \$5.15 an hour. Since then, the real value of the minimum wage has eroded by 20 percent, since—unlike Congress's pay raise—we did not increase the minimum wage to keep pace with inflation.

Twenty-nine States have answered the call and raised the minimum wage. Illinois is one of those States—it has a minimum wage of \$6.50, and in December the Governor is expected to sign recently passed legislation raising the minimum wage to \$7.50 in July.

But there are still 6 million Americans making \$5.15 an hour.

We have been trying for nearly a decade to get the attention of the Republican leadership that there are millions of Americans who go to work every single day and can't make enough money to provide decent day care for their kids, pay medical and utility bills, and provide food and other essentials that are just a part of every family's daily life.

A Low Income Housing Coalition study shows that, for the first time,

there was not one county anywhere in America in which a minimum wage worker could afford a one-bedroom apt. On average, workers have to make three times the minimum wage to afford a one-bedroom apartment in this country. So people who are working full time for minimum wage literally can't afford to keep a roof over their children's heads.

These hardworking Americans who work full time and make the minimum wage earn just \$10,700 per year—\$6,000 below the poverty level. In Illinois, \$6.50 minimum wage workers currently earn \$13,520. And now there are 37 million Americans in poverty—a 5.4 million increase since President Bush took office.

While the Republicans in this town refuse to raise the minimum wage to help millions out of poverty, Congress has seen its pay increased by \$31,600. Something is wrong here.

We hope to send a message to the Republican leadership in Congress that these hardworking families deserve a raise too, because it's time for a Congress that truly is sensitive to real family values.

Because one of those real family values is when you get up and go to work every morning, doing your best for your kids and your family, you deserve a decent pay check.

Democrats believe that, and that is why we support passing legislation raising the minimum wage to \$7.25 an hour over 2 years before we allow Members to receive a roughly \$3,000 increase.

While some people may say that the amount of the automatic raise Members are foregoing—\$350—is only symbolic, keep in mind that minimum wage earners only earn \$206 per week. To them, \$350 isn't symbolic, it is the equivalent of 68 hours worth of hard work.

Therefore, on behalf of 6 million Americans making the minimum wage, I urge Republicans to join with Democrats in passing a clean minimum wage bill in January before any automatic pay adjustment for Members takes effect.

Mr. COCHRAN. I ask unanimous consent that the resolution be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 102) was ordered to a third reading, was read the third time, and passed.

#### NOTICE

*Today's Senate proceedings will be continued in Book II*